

Section I

Notice of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: RULE TITLE:

64B16-33.001 International Export Pharmacy Permit

PURPOSE AND EFFECT: The Board proposes the rule promulgation to establish a rule regarding the international export pharmacy permit and to develop and incorporate an application.

SUBJECT AREA TO BE ADDRESSED: International Export Pharmacy Permit.

RULEMAKING AUTHORITY: 465.005 FS.

LAW IMPLEMENTED: 465.0157 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jennifer Wenhold, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin C08, Tallahassee, Florida 32399-3258.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**FISH AND WILDLIFE CONSERVATION
COMMISSION**

RULE NO.: RULE TITLE:

68-1.012 Verification of Residency for the Purpose of
 Recreational Licenses and Permits

PURPOSE AND EFFECT: The purpose of this rule development notice is to address the creation of a new rule setting out the ways in which a customer’s residency is verified when using the Commission’s online recreational licensing system and when presenting proof of residency in-person to a Commission licensing subagent. The effect of the new rule would be to provide further clarification to the methods of residency verification available when customers apply for recreational licenses and permits.

SUBJECT AREA TO BE ADDRESSED: Subject areas addressed in the rule development notice include the creation of a rule clarifying the methods for verification of residency for recreational licenses and permits for customers using the Commission’s online recreational licensing system and for customers presenting proof of residency in-person to a Commission licensing subagent.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution, Section 379.352, FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution, Section 379.352, FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Brenda Brand, Interim Director, Office of Licensing and Permitting, Florida Fish and Wildlife Conservation Commission, 2590 Executive Center Circle E, Suite 101, Tallahassee, Florida 32301, Telephone: (850)488-3641.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

Section II

Proposed Rules

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.: RULE TITLES:

12A-1.097 Public Use Forms

12A-1.110 Hope Scholarship Program

PURPOSE AND EFFECT: The Department is creating a new rule to implement the Hope Scholarship Program. The new rule will provide guidance on how a contribution can be made to the Program; how dealers are to remit and report contributions; how organizations that receive contributions are to report those monies to the Department, as required by statute; and the incorporation of forms to be used in the program. Forms to be used in the program will be incorporated in Rule 12A-1.097, F.A.C.

SUMMARY: The amendment of Rule 12A-1.097, F.A.C., is necessary to adopt three forms to be used in the implementation of the Hope Scholarship Program.

The creation of Rule 12A-1.110, F.A.C., is necessary to implement ss. 212.1832 and 1002.40(13), F.S., which establish the Hope Scholarship Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences regarding rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (n)4., (o)4., (7), 212.11(5)(b), 212.12(1)(a)2., 212.17(6), 212.18(2), (3), 212.183, 213.06(1), 288.1258(4)(c), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7), 1002.40(16),

LAW IMPLEMENTED: 95.091, 119.071(5), 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(2), (4), (5), 212.17, 212.18(2), (3), 212.183, 212.1832, 213.235, 213.29, 213.37, 213.755, 215.26(6), 219.07, 288.1258, 290.00677, 365.172(9), 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7), 1002.40(1), (13), FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: August 16, 2019, 9:00 a.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, Tallahassee, Florida.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tonya Fulford at (850)717-6799. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: : Danielle Boudreaux, Technical Assistance and Dispute Resolution, Department of Revenue,

PO Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7082, email RuleComments@floridarevenue.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-1.097 Public Use Forms.

(1) No change

Form Number	Title	Effective Date
(2) through (22)	No change	
(23)(a) DR-HS1	Hope Scholarship Program – Contribution Election (http://www.flrules.org/Gateway/reference.asp?No=Ref-)	XX/XX
(b) DR-HS2	Hope Scholarship Program – Dealer Contribution Collection Report (http://www.flrules.org/Gateway/reference.asp?No=Ref-)	XX/XX
(c) DR-HS3	Hope Scholarship Program – Contributions Received by an Eligible Nonprofit Scholarship-Funding Organization (http://www.flrules.org/Gateway/reference.asp?No=Ref-)	XX/XX

Rulemaking Authority 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (n)4., (o)4., (7), 212.11(5)(b), 212.12(1)(a)2., 212.17(6), 212.18(2), (3), 212.183, 213.06(1), 288.1258(4)(c), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7), 1002.40(16), FS. Law Implemented 92.525(1)(b), (3), 95.091, 119.071(5), 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(2), (4), (5), 212.17, 212.18(2), (3), 212.183, 212.1832, 213.235, 213.29, 213.37, 213.755, 215.26(6), 219.07, 288.1258, 290.00677, 365.172(9), 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7), 1002.40(1), (13), FS. History—New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00, 6-19-01, 10-2-01, 10-21-01, 8-1-02, 4-17-03, 5-4-03, 6-12-03, 10-1-03, 9-28-04, 6-28-05, 5-1-06, 4-5-07, 1-1-08, 4-1-08, 6-4-08, 1-27-09, 9-1-09, 11-3-09, 1-11-10, 4-26-10, 6-28-10, 7-12-10, 1-12-11, 1-25-12, 1-17-13, 5-9-13, 1-20-14, 1-19-15, 1-11-16, 4-5-16, 1-10-17, 2-9-17, 1-17-18, 4-16-18, 1-8-19, _____.

12A-1.110 Hope Scholarship Program.

(1) Definitions. For purpose of this rule, the following terms mean:

(a) “Contribution” means a monetary contribution from a person purchasing a motor vehicle from a dealer, or registering a motor vehicle purchased from someone other than a dealer, to an eligible nonprofit scholarship-funding organization as provided under the Hope Scholarship Program.

(b) “Department” means the Florida Department of Revenue.

(c) “Eligible nonprofit scholarship-funding organization” or “organization” has the same meaning as provided in s. 1002.40(2)(e), F.S.

(d) “Motor vehicle” has the same meaning as provided in s. 1002.40(2)(g), F.S.

(e) “Program” means the Hope Scholarship Program under s. 1002.40, F.S.

(2) Contributing to the Program.

(a) Any person, including persons who are not Florida residents, purchasing a motor vehicle from a dealer or registering a motor vehicle purchased from someone other than a dealer may designate the lesser of \$105 or the amount of state sales tax due to the Program. An eligible contribution must be accompanied by Hope Scholarship Program – Contribution Election (Form DR-HS1, incorporated by reference in Rule 12A-1.097, F.A.C.).

(b) Dealers, designated agents, and private tag agents shall provide the purchaser the contribution election form (Form DR-HS1) at the time of purchase of a motor vehicle or at the time of registration of a motor vehicle that was not purchased from a Florida dealer. Vehicle purchasers and registrants are not required to complete Form DR-HS1, and dealers, designated agents, and private tag agents are not required to retain Form DR-HS1, if the purchaser or registrant chooses not to make a contribution.

(c) Dealers, designated agents, and private tag agents may, but are not required to, separately state a contribution on a sales invoice or other evidence of the motor vehicle sale, purchase, or registration.

(d) A contribution may not be made for any of the following:

1. Any tax other than the state sales tax imposed by s. 212.05, F.S.

2. Any tax due on a warranty or other taxable item sold in conjunction with a motor vehicle.

3. Any tax due on the lease or rental of a motor vehicle.

(3) Reporting contributions.

(a) Dealers, designated agents, and private tag agents who receive contributions must remit those contributions to the applicable organization. Contributions must be reported to both the organization and the Department using Hope Scholarship Program – Dealer Contribution Collection Report (Form DR-HS2, incorporated by reference in Rule 12A-1.097, F.A.C.) no later than the date returns filed under s. 212.11, F.S., are due for the period in which the contributions are received. The fastest and easiest way to submit the Hope Scholarship Program – Dealer Contribution Collection Report to the Department is online at www.floridarevenue.com/taxes/sfo. Dealers, designated agents, and private tag agents may also report by using a paper report made available on the Department’s website.

(b) If an organization has a web application used for collecting contributions, dealers, designated agents, and private tag agents may use the web application instead of submitting Form DR-HS2. The organization must collect, at a minimum, the same information required on Form DR-HS2.

(c) Any dealer, designated agent, or private tag agent required to file Form DR-HS2 who fails to do so may be subject to penalty as prescribed by s. 1002.40(13)(g), F.S. A dealer, designated agent, or private tag agent may also be subject to penalty if it is later discovered that contributions were received but not reported, even if such contributions were paid over to an organization.

(d) Dealers, designated agents, and private tag agents who receive contributions must separately report them on their sales and use tax returns. The total amount of sales tax that would otherwise be due must be included in the amount of tax reported on the tax return. Contributions must be reported both in total deductions claimed and separately as program credit on the appropriate line of the return. Contributions may not be netted against the tax otherwise due on the return.

(4) Reporting of contributions by eligible nonprofit scholarship-funding organizations.

(a) Each organization is required to report to the Department the contributions received during each calendar month using Hope Scholarship Program – Contributions Received by an Eligible Nonprofit Scholarship-Funding Organization (Form DR-HS3, incorporated by reference in Rule 12A-1.097, F.A.C.). The report is due to the Department on or before the 20th day of the month following the month of collection. If the 20th falls on a Saturday, Sunday, or state or federal holiday, the report must be received on the first business day following the 20th.

(b) The fastest and easiest way to complete the Hope Scholarship Program – Contributions Received by an Eligible Nonprofit Scholarship-Funding Organization is online at www.floridarevenue.com/taxes/sfo. Dealers, designated agents, and private tag agents may also report by using a paper report made available on the Department’s website. Rulemaking Authority s. 1002.40(16), F.S. Law Implemented 212.05, 212.1832, 1002.40(1), (13), FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Tammy Miller

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 25, 2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 31, 2018

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.: RULE TITLES:
 12A-1.097 Public Use Forms
 12A-1.109 Florida Sales Tax Credit Scholarship Program

PURPOSE AND EFFECT: : The Department is creating a new rule to address the Florida Tax Credit Scholarship Program for Commercial Rental Property. The new rule will provide guidance on how to apply for an allocation; how to claim a credit following approval of the allocation application and donation to the organization; how to transfer an unused allocation or credit; how to report a change in the property or the lessor; how to rescind an unused allocation; how organizations who receive donations are to report those donations to the Department, as required by statute; and will incorporate the new forms to be used in the program. Forms to be used in the program will be incorporated in Rule 12A-1.097, F.A.C.

SUMMARY: The amendment of Rule 12A-1.097, F.A.C., is necessary to adopt four new forms to be used in the implementation of the Florida Tax Credit Scholarship Program for Commercial Rental Property.

The creation of Rule 12A-1.109, F.A.C., is necessary to implement Section 1, Chapter 2018.6, Laws of Florida, which creates a new tax credit program under the Florida Tax Credit Scholarship Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences regarding rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (n)4., (o)4., (7), 212.099(10), 212.11(5)(b), 212.12(1)(a)2., 212.17(6), 212.18(2), (3), 212.183, 213.06(1), 288.1258(4)(c), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7), FS.

LAW IMPLEMENTED: 92.525(1)(b), (3), 95.091, 119.071(5), 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.099, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(2), (4), (5), 212.17, 212.18(2), (3), 212.183, 213.235, 213.29, 213.37, 213.755, 215.26(6), 219.07, 288.1258, 290.00677, 365.172(9), 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7), FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: August 16, 2019, 10:00 a.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, Tallahassee, Florida.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tonya Fulford at (850)717-6799. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Danielle Boudreaux, Technical Assistance and Dispute Resolution, Department of Revenue, PO Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7082, email RuleComments@floridarevenue.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-1.097 Public Use Forms.

(1) No change

Form Number	Title	Effective Date
(2)	No change	
through (17)		
(18)	Florida Tax Credit Scholarship Program for Commercial Rental Property – Application for a Credit Allocation	XX/X
117000	(http://www.flrules.org/Gateway/reference.asp?No=Ref-)	

(b) DR-117100	Florida Tax Credit Scholarship Program for Commercial Rental Property – Application to Change a Credit Allocation (http://www.flrules.org/Gateway/reference.asp?No=Ref-)	XX/X
(c) DR-117200	Florida Tax Credit Scholarship Program for Commercial Rental Property – Application for Rescindment of a Credit Allocation (http://www.flrules.org/Gateway/reference.asp?No=Ref-)	XX/X
(d) DR-117300	Florida Tax Credit Scholarship Program for Commercial Rental Property – Contributions Received by an Eligible Nonprofit Scholarship-Funding Organization (http://www.flrules.org/Gateway/reference.asp?No=Ref-)	XX/X
through (22)	Renumbered (19) through (23) No change	

Rulemaking Authority 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (n)4., (o)4., (7), 212.099(10), 212.11(5)(b), 212.12(1)(a)2., 212.17(6), 212.18(2), (3), 212.183, 213.06(1), 288.1258(4)(c), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7), FS. Law Implemented 92.525(1)(b), (3), 95.091, 119.071(5), 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.099, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(2), (4), (5), 212.17, 212.18(2), (3), 212.183, 213.235, 213.29, 213.37, 213.755, 215.26(6), 219.07, 288.1258, 290.00677, 365.172(9), 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7), FS. History—New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00, 6-19-01, 10-2-01, 10-21-01, 8-1-02, 4-17-03, 5-4-03, 6-12-03, 10-1-03, 9-28-04, 6-28-05, 5-1-06, 4-5-07, 1-1-08, 4-1-08, 6-4-08, 1-27-09, 9-1-09, 11-3-09, 1-11-10, 4-26-10, 6-28-10, 7-12-10, 1-12-11, 1-25-12, 1-17-13, 5-9-13, 1-20-14, 1-19-15, 1-11-16, 4-5-16, 1-10-17, 2-9-17, 1-17-18, 4-16-18, 1-8-19, _____.

12A-1.109 Florida Tax Credit Scholarship Program for Commercial Rental Property.

(1) Definitions. For purpose of this rule, the following terms mean:

(a) “Allocation” means the amount of program funds allocated by the Department to a tenant for monetary contributions to be made to an organization during a state fiscal year.

(b) “Contribution” means a monetary contribution, as defined in s. 212.099, F.S., from an eligible business to an eligible nonprofit scholarship-funding organization to be used under the Florida Tax Credit Scholarship Program established under s. 1002.395, F.S.

(c) “Credit” means an allocation for which a contribution to an organization has been made and is eligible to be taken by a tenant against the state tax due under s. 212.031, F.S.

(d) “Dealer” means the person who is registered under Rule 12A-1.060, F.A.C., to collect the tax due on the rent or license fee from a tenant. For purposes of this program, the term “landlord” will be used to refer to the dealer.

(e) “Department” means the Florida Department of Revenue.

(f) “Eligible business” means a person occupying, using, or entitled to the use of any property for which the rent or license fee is subject to taxation under s. 212.031, F.S. For purposes of this program, the term “tenant” will be used to refer to the eligible business.

(g) “Eligible nonprofit scholarship-funding organization” or “organization” has the same meaning as provided in s. 1002.395(2)(f), F.S.

(h) “Program” means the Florida Tax Credit Scholarship Program for Commercial Rental Property under s. 212.099, F.S.

(i) “State fiscal year” means the annual period beginning July 1 through June 30 of the following year.

(j) “Tax credit cap” means the maximum annual tax credit amount the Department is authorized by law to allocate.

(2) Applications for allocations.

(a) To apply for an allocation of the available program credits, a tenant must submit a Florida Tax Credit Scholarship Program for Commercial Rental Property – Application for a Credit Allocation (Form DR-117000, incorporated by reference in Rule 12A-1.097, F.A.C.) to the Department. The fastest and easiest way to apply for an allocation is online at www.floridarevenue.com/taxes/sfo. Tenants may also apply by submitting a paper application available on the Department’s website.

(b) Each leased or licensed location for which an allocation is sought must be separately listed in an application. A separate application to receive an allocation is required for each organization the tenant intends to support.

(c) An application may be submitted to the Department for an allocation of funds for the state fiscal year the application is submitted or for funds for the following state fiscal year. A separate application is required for each state fiscal year for which an allocation is sought.

(d) An application may be submitted on the first business day of January of the calendar year preceding the state fiscal year beginning on July 1 of that calendar year. The application must be submitted on or before June 30 of the state fiscal year for which the tenant is applying for an allocation. For example, for a credit allocation for the 2020-2021 state fiscal year, tenants may apply for a credit allocation beginning on January 1, 2020. The application must be submitted on or before June 30, 2021.

(e) The Department will accept applications until the tax credit cap is reached or until the end of the state fiscal year identified in application for an allocation, whichever occurs

first. The Department will approve allocations on a first-come, first-served basis. When funds are available, and the tenant is eligible to receive an allocation, a letter indicating the amount of allocation approved will be provided to the tenant.

(f) When the Department is not able to approve an application, a letter explaining the reason for the denial will be mailed to the tenant. The tenant may protest the denial pursuant to ss. 120.569 and 120.57, F.S. The Department will reserve the denied amount of the allocation for the tenant during the protest period.

(3) Claiming the Credit.

(a) After receiving an allocation but before seeking a credit against tax due, the tenant must make a contribution directly to the organization identified in the Florida Tax Credit Scholarship Program for Commercial Rental Property – Application for a Credit Allocation (Form DR-117000).

1. A tenant may make a single contribution or series of contributions to the organization.

2. The total contributions may not exceed the allocation amount approved by the Department.

3. All contributions must be made before the end of the state fiscal year for which the allocation was approved.

4. Upon making each contribution, the organization receiving a contribution under the program will issue a certificate of contribution to the tenant.

5. The tenant must provide copies of the approval letter issued by the Department and the certificate of contribution issued by the organization to the landlord when claiming a credit against the state tax due on the rent or license fee for the rental property.

(b) To claim the credit, the landlord must file and pay electronically using Sales and Use Tax Return (Form DR-15, incorporated by reference in Rule 12A-1.097, F.A.C.). Landlords may not claim a credit on the shorter Sales and Use Tax Return (Form DR-15EZ, incorporated by reference in Rule 12A-1.097, F.A.C.) or on any paper tax return. A landlord authorized to file Form DR-15EZ, must contact Taxpayer Services at 850-488-6800, Monday through Friday, excluding holidays, to change the return type filed to Form DR-15 to claim a tax credit under this program.

(c) The amount of credit claimed on a tax return is limited to the amount of contribution contained in the certificate of contribution issued by an organization. A credit may only be taken against the state sales tax due under s. 212.031, F.S., and is not allowed against any discretionary sales surtax due under ss. 212.054 and 212.055, F.S.

(d) The total rent or license fee, the tax that would otherwise be due, the surtax due, and the credit being claimed must be separately reported on Form DR-15, Sales and Use Tax Return. The credit may not be taken by netting the credit against the tax otherwise due on the return.

(e) No credit will be allowed when the tenant

1. fails to contribute to the designated organization under the program;

2. claims the credit against tax due prior to the date the contribution is made;

3. claims the credit against discretionary sales surtax due; or

4. makes the contribution outside the state fiscal year for which the allocation was approved.

(f) A credit may not be claimed on an amended return.

(g) Unclaimed credits are not eligible for refund but may be carried forward up to 10 years. No application is necessary to carry forward a credit.

(4) Transfer of Unused Allocations or Credits.

(a)1. A tenant may not convey, assign, or transfer an allocation or a credit to another entity unless all assets of the taxpayer are conveyed, assigned, or transferred in the same transaction and the successor business continues the same lease with the same landlord.

2. Tenants must inform the Department of the transfer of any unused allocation or credit by sending written notice to:

Florida Department of Revenue

Revenue Accounting

PO Box 6409

Tallahassee, FL 32314-6409

(b) When the Department determines the requirements to transfer an allocation or a credit are met, a letter indicating the amount of the approved allocation or credit will be provided to the tenant. When the Department is not able to approve a transfer, a letter explaining the reason for denial will be mailed to the tenant. The tenant may protest the denial pursuant to ss. 120.569 and 120.57, F.S.

(c) The Department must approve the transfer of the unused allocation or credit before the successor is eligible to claim a credit.

(5) Change of Landlord or Property.

(a) A tenant does not lose the ability to use the remaining amount of a previously approved allocation for which a credit has not been taken when

1. the landlord collecting the tax on the property changes or the tenant moves to another property; and

2. the tenant continues to qualify for the program following the change.

(b) The eligible business is required to apply to the Department for a change to its allocation by submitting a Florida Tax Credit Scholarship Program for Commercial Rental Property – Application to Change a Credit Allocation (Form DR-117100, incorporated by reference in Rule 12A-1.097, F.A.C.). The application must be received and approved by the Department before a credit can be taken by the landlord on its sales tax return.

(6) Rescindment of Unused Allocations.

(a) Tenants who have not made a contribution to an organization under the program may rescind all or a portion of an unused allocation. To rescind an unused allocation, the tenant must submit a Florida Tax Credit Scholarship Program for Commercial Rental Property – Application for Rescindment of a Credit Allocation (Form DR-117200, incorporated by reference in Rule 12A-1.097, F.A.C.). Applications must be received by the Department during the same state fiscal year during which the allocation was approved. The fastest and easiest way to to rescind an allocation is to use the online application at www.floridarevenue.com/taxes/sfo. Tenants may also apply by submitting a paper application available on the Department’s website.

(b) An application for rescindment of the unused allocation will not be approved when

1. the tenant has made the contribution to an organization under the program; or
2. the application was not submitted during the same state fiscal year during which the allocation was approved.

(c) When the Department is not able to approve an application, a letter explaining the reason for the denial will be mailed to the tenant. The tenant may protest the denial pursuant to ss. 120.569 and 120.57, F.S.

(d) When a tenant is eligible to rescind an allocation, a letter indicating the amount of allocation rescinded will be provided to the tenant.

(e) When the approval of a rescindment allows the tax credit cap for a state fiscal year to be reopened and available for allocation, the Department will notify each organization that the tax credit cap is available for allocation.

(7) Reporting of contributions by eligible nonprofit scholarship-funding organizations.

(a) Each organization is required to report to the Department the contributions received under the program during each calendar month using the Florida Tax Credit Scholarship Program for Commercial Rental Property – Contributions Received by an Eligible Nonprofit Scholarship-Funding Organization (Form DR-117300, incorporated by reference in Rule 12A-1.097, F.A.C.). The report is due to the Department on or before the 20th day of the month following the month of collection. If the 20th day falls on a Saturday, Sunday, or state or federal holiday, the report must be received on the first business day following the 20th.

(b) Organizations may submit Form DR-117300 electronically or by submitting a paper form available at www.floridarevenue.com/forms in the sales and use tax section. When submitting electronically, the organization must include all information required by Form DR-117300.

Rulemaking Authority 212.099(10), 213.06(1), FS, Law Implemented 212.099, FS, History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tammy Miller

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 25, 2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 31, 2018

STATE BOARD OF ADMINISTRATION

RULE NO.: RULE TITLE:

19-8.010 Reimbursement Contract

PURPOSE AND EFFECT: The State Board of Administration, Florida Hurricane Catastrophe Fund, seeks to amend Rule 19-8.010, F.A.C., Reimbursement Contract, to implement changes to Section 215.555, Florida Statutes, as enacted by the Legislature in 2019.

SUMMARY: The proposed revision to this rule reflects an increase in loss adjustment expense allowance from 5% to 10% of reimbursed losses, beginning with the 2019-2020 Reimbursement Contract.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: A Reimbursement Contract meeting the requirements set forth in Section 215.555, F.S., must be adopted annually pursuant to Section 215.555(4) and (16)(b), F.S. Upon review of the proposed changes to the upcoming Contract Year’s Reimbursement Contract, which is incorporated into Rule 19-8.010, F.A.C., Reimbursement Contract, the State Board of Administration of Florida has determined that the preparation of a Statement of Estimated Regulatory Costs is not necessary and that this rule does not meet the statutory threshold for ratification by the Legislature. The changes to this rule also do not directly or indirectly have an adverse impact on economic growth, private sector job creation or employment, or private sector investment, business competitiveness, or innovation or increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 215.555(3), FS.

LAW IMPLEMENTED: 215.555(2), (3), (4), (5), (6), (7), (10), (16), FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: August 20, 2019, 9:00 a.m. to 10:00 a.m. (ET)

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Leonard Schulte, Florida Hurricane Catastrophe Fund, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1335, leonard.schulte@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Leonard Schulte at the number or email listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

19-8.010 Reimbursement Contract.

(1) The reimbursement contract for the 2019-2020 contract year, <http://www.flrules.org/Gateway/reference.asp?No=ref-10198>, including all Amendments and Addenda, required by Section 215.555(4), F.S., which is called Form FHCF-2019K-“Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC # () and The State Board of Administration of the State of Florida (“SBA”) which administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 01/19 is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2019 through May 31, 2020.

(2) In recognition of the fact that few, if any, companies sustained losses from Hurricanes Hermine and Matthew in 2016 in amounts sufficient to exceed their FHCF retention, and that, notwithstanding the limitations of Art. X(3)(d) of the 2016-2017 Reimbursement Contract, companies may wish to complete a commutation for zero dollars earlier than 36 months after the end of the 2016-2017 contract year, which is the earliest date for commutation allowed under that provision of the Reimbursement Contract. Therefore, with respect to the 2016-2017 Reimbursement Contract, a company and the SBA

may mutually agree to initiate and complete a commutation for zero dollars prior to the end of the 36-month period referred to in Art. X(3)(d). Such early commutation, once completed, eliminates the mandatory Proof of Loss requirements under Art. X(3)(b)3. and 4. for all reporting periods subsequent to the completion of the commutation.

(3) In recognition of the fact that many companies did not sustain losses from Hurricane Irma in 2017 in amounts sufficient to exceed their FHCF retention, and few, if any, companies sustained losses from Hurricane Nate in 2017 in amounts sufficient to exceed their FHCF retention, and that, notwithstanding the limitations of Art. X(3)(d) of the 2017-2018 Reimbursement Contract, companies may wish to complete a commutation for zero dollars earlier than 36 months after the end of the 2017-2018 contract year, which is the earliest date for commutation allowed under that provision of the Reimbursement Contract. Therefore, with respect to the 2017-2018 Reimbursement Contract, a company and the SBA may mutually agree to initiate and complete a commutation for zero dollars for either or both hurricanes prior to the end of the 36-month period referred to in Art. X(3)(d). Such early commutation, once completed, eliminates the mandatory Proof of Loss requirements under Art. X(3)(b)3. and 4. for all reporting periods subsequent to the completion of the commutation.

(4)(a) Subparagraph 215.555(4)(b)1., Florida Statutes, specifies the amount of reimbursement to be paid to an insurer under the Reimbursement Contract and requires the payment of an additional 5% of the reimbursed losses to cover loss adjustment expenses. CS/CS/CS/HB 301 as enacted during the 2019 Regular Session of the Florida Legislature amended subparagraph (4)(b)1. to add a provision stating that “For contracts and rates effective on or after June 1, 2019, the loss adjustment expense reimbursement must be 10 percent of the reimbursed losses.”

(b) The purpose of this subsection of this Rule is to implement the amendment to subparagraph (4)(b)1. only for the 2019-2020 Reimbursement Contract and without consideration of the dates on which the Reimbursement Contract was executed or took effect.

(c) With respect to any reimbursements under the Reimbursement Contract for the 2019-2020 Contract Year, the 5% Loss Adjustment Expense Allowance provided under Subsection (1) of Article IV shall be supplemented by an additional Loss Adjustment Expense Allowance equal to 5% of the reimbursed losses, provided that the total of a company’s reimbursed losses, Loss Adjustment Expense Allowance, and Supplemental Loss Adjustment Expense Allowance does not exceed the company’s Coverage Limit under the Reimbursement Contract.

~~(5)~~(4) The reimbursement contract form may be obtained by accessing the FHCF website at www.sbafla.com/fhcf; by submitting a written request to the State Board of Administration at P. O. Box 13300, Tallahassee, Florida 32317-3300; or by calling (850) 413-1335.

Rulemaking Authority 215.555(3) FS. Law Implemented 215.555 FS. History—New 5-31-94, Amended 8-29-95, 5-19-96, 6-19-97, 5-28-98, 5-17-99, 9-13-99, 6-19-00, 6-3-01, 6-2-02, 11-12-02, 5-13-03, 5-19-04, 8-29-04, 5-29-05, 11-13-05, 5-10-06, 9-5-06, 5-8-07, 8-13-07, 6-8-08, 9-2-08, 3-30-09, 8-23-09, 3-29-10, 8-8-10, 12-12-10, 9-11-11, 12-19-11, 11-18-12, 12-2-13, 11-12-14, 6-2-15, 1-3-16, 11-9-16, 12-6-17, 1-29-19,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Anne Bert, FHCF Chief Operating Officer, State Board of Administration of Florida.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration of Florida.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 25, 2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 16, 2019

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-8.028
 RULE TITLE: Reimbursement Premium Formula
 PURPOSE AND EFFECT: The State Board of Administration, Florida Hurricane Catastrophe Fund, seeks to amend Rule 19-8.028, F.A.C., Reimbursement Premium Formula, to implement changes to Section 215.555, Florida Statutes, as enacted by the Legislature in 2019.

SUMMARY: In accordance with Section 215.555(5), Florida Statutes, proposed amended Rule 19-8.028, F.A.C., Reimbursement Premium Formula, adopts a revised 2019-2020 reimbursement premium formula for the Florida Hurricane Catastrophe Fund (“Florida Hurricane Catastrophe Fund 2019 Ratemaking Formula Report Revised July 25, 2019”), to reflect an increase in loss adjustment expense allowance from 5% to 10% of reimbursed losses, beginning with the 2019-2020 Reimbursement Contract.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is

required, the information expressly relied upon and described herein: Upon review of the proposed changes to this rule and the incorporated forms, the State Board of Administration of Florida has determined that the rule does not meet the requirements for ratification by the legislature. The changes to the rule do not have an adverse impact on small business and do not directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate within 1 year of implementation. The changes to the rule also do not directly or indirectly have an adverse impact on economic growth, private sector job creation or employment, or private sector investment, business competitiveness or innovation or increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 215.555(3), F.S.

LAW IMPLEMENTED: 215.555(2), (3), (4), (5), (6), (7), F.S. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: August 20, 2019, 9:00 a.m. to 10:00 a.m. (ET)

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Leonard Schulte, Florida Hurricane Catastrophe Fund, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1335, leonard.schulte@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Leonard Schulte at the number or email listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

19-8.028 Reimbursement Premium Formula.

(1) Purpose. This rule adopts the Premium Formula to determine the Actuarially Indicated Reimbursement Premium to be paid to the Florida Hurricane Catastrophe Fund, as required by section 215.555(5)(b), F.S.

(2) Definitions. The definitions in the Reimbursement Contract for the applicable Contract Year also apply to this rule and the forms referenced in this rule. In addition, as used in this rule:

(a) "SBA" means the State Board of Administration of Florida.

(b) "Contract Year" is defined in section 215.555(2), F.S.

(c) "Independent Consultant" means the independent individual, firm, or organization with which the SBA contracts to prepare the Premium Formula and any other actuarial services for the FHCF, as determined under the contract with the Consultant.

(3) The Premium Formula.

(a) The Formula for determining the Actuarially Indicated Reimbursement Premium to be paid to the Fund, as required by section 215.555(5)(b), F.S., is the rate times the exposure per \$1,000 of insured value and this equals the Premium to be paid in dollars. The premium rates are determined by taking into account geographic location by zip code; construction type; policy deductible; type of insurance and other such factors deemed by the SBA to be appropriate. The Formula is developed by an Independent Consultant selected by the SBA, as required by section 215.555(5)(b), F.S.

(b) For the 2019/2020 Contract Year, the Formula developed by the SBA's Independent Consultant, "Florida Hurricane Catastrophe Fund 2019 Ratemaking Formula Report Revised July 25, 2019," ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX." Presented to the State Board of Administration of Florida March 19, 2019,"~~ <http://www.flrules.org/Gateway/reference.asp?No=Ref-10433>, and as approved by the SBA on April 2, 2019, is hereby adopted and incorporated by reference into this rule. The premium rates are developed in accordance with the Premium Formula methodology approved by the SBA.

(4) Special Circumstances.

(a) Allocation of Premium. Premiums paid to the FHCF with reference to property covered by Quota Share Primary Insurance Arrangements, as that phrase is defined in section 627.351(6)(c)2.a.(I), F.S., will be allocated by the FHCF between the Company and Citizens in accordance with the percentages specified in the Quota Share Primary Insurance Arrangement for the purposes of premium billing, calculating retentions and determining reimbursement payments.

(b) Special Rating Circumstances. The Premium Formula for policies that, based upon sound actuarial principles, require individual ratemaking and which are not excluded by rule will be based on the use of computer modeling for each individual Company for which it is applicable, i.e., portfolio modeling. The Independent Consultant will recommend guidelines for individual Company portfolio reporting and modeling to estimate individual Company FHCF expected losses. Individual Company FHCF expected losses for portfolio modeling exposures will be loaded for investments and expenses on the same basis as the FHCF premium rates used for

non-portfolio modeling exposures, but will also include a loading for the additional cost of individual Company modeling. The minimum exposure threshold for FHCF portfolio modeling rating will be sufficient to generate estimated FHCF premium greater than the cost of modeling and other considerations and will be calculated by the Independent Consultant for the separate coverage levels of 45%, 75%, and 90% using the premium rates established pursuant to subsection (3). The methodology used by the Independent Consultant will be based on sound actuarial principles to establish greater actuarial equity in the premium structure.

Special recognition is not given to Companies that do not have exposure for Covered Policies for an entire Contract Year, except for New Participants as required by Article X(1) and X(2) of the Reimbursement Contract.

(5) All the forms adopted and incorporated by reference in this rule may be obtained from the FHCF website at www.sbafla.com/fhcf, or from the Florida Hurricane Catastrophe Fund Administrator, Paragon Strategic Solutions Inc., at 8200 Tower, 5600 West 83rd Street, Suite 1100, Minneapolis, MN 55437.

Rulemaking Authority 215.555(3) FS. Law Implemented 215.555(2), (3), (4), (5), (6), (7) FS. History—New 9-20-99, Amended 7-3-00, 9-17-01, 7-17-02, 7-2-03, 7-29-04, 7-17-05, 7-6-06, 7-17-07, 6-16-08, 8-2-09, 7-8-10, 7-3-11, 6-25-12, 6-18-13, 6-10-14, 6-2-15, 5-18-16, 5-30-17, 8-1-18, 5-21-19, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Anne Bert, FHCF Chief Operating Officer, State Board of Administration of Florida.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration of Florida.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 25, 2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 16, 2019

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-8.029
 RULE TITLE: Insurer Reporting Requirements and Responsibilities

PURPOSE AND EFFECT: The State Board of Administration, Florida Hurricane Catastrophe Fund, seeks to amend Rule 19-8.029, F.A.C., Insurer Reporting Requirements and Responsibilities, to implement changes to Section 215.555, Florida Statutes, as enacted by the Legislature in 2019.

SUMMARY: In general, Rule 19-8.029, F.A.C., Insurer Reporting Requirements and Responsibilities, addresses reporting and examination requirements. The proposed revision to Rule 19-8.029, F.A.C., Insurer Reporting Requirements and Responsibilities, adopts a revised loss reporting form to reflect

an increase in loss adjustment expense allowance from 5% to 10% of reimbursed losses, beginning with the 2019-2020 Reimbursement Contract.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Upon review of the proposed changes to these two rules and the incorporated forms, the State Board of Administration of Florida has determined that neither rule meets the requirements for ratification by the legislature. The changes to these rules do not have an adverse impact on small business and do not directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate within 1 year of implementation. The changes to these rules also do not directly or indirectly have an adverse impact on economic growth, private sector job creation or employment, or private sector investment, business competitiveness or innovation or increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of either rule. Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 215.555(3), FS.

LAW IMPLEMENTED: 215.555(2), (3), (4), (5), (6), (7), (10), FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: August 20, 2019, 9:00 a.m. to 10:00 a.m. (ET)

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Leonard Schulte, Florida Hurricane Catastrophe Fund, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1335, leonard.schulte@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Leonard Schulte at the number or email listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

19-8.029 Insurer Reporting Requirements and Responsibilities.

(1) Purpose. This rule specifies certain deadlines and other requirements for insurers that participate in the Florida Hurricane Catastrophe Fund (FHCF).

(2) Definitions. The definitions in the Reimbursement Contract for the applicable Contract Year also apply to this rule and the forms referenced in this rule. In addition, as used in this rule and the forms referenced in this rule:

(a) "Contract Year" is defined in section 215.555(2), F.S.

(b) "Insurer" or "Company" means an insurer that is required to enter into a Reimbursement Contract.

(3) Data Call form. For the 2019/2020 Contract Year, the reporting of Company exposure data shall be in accordance with Form FHCF-D1A, "Florida Hurricane Catastrophe Fund 2019 Data Call," rev. 01/19, <http://www.flrules.org/Gateway/reference.asp?No=Ref-10199>, which is hereby adopted and incorporated by reference into this rule.

(4) Loss reporting forms.

(a) For the 2019/2020 Contract Year, the reporting of estimated Ultimate Net Loss shall be in accordance with Form FHCF-L1A, "Contract Year 2019 Interim Loss Report, Florida Hurricane Catastrophe Fund (FHCF)," rev. 01/19, <http://www.flrules.org/Gateway/reference.asp?No=Ref-10200>, which is hereby adopted and incorporated by reference into this rule.

(b) For the 2019/2020 Contract Year, the reporting of Ultimate Net Loss shall be in accordance with Form FHCF-L1B, "Contract Year 2019 Proof of Loss Report, Florida Hurricane Catastrophe Fund (FHCF)," rev. XX/19 01/19, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-10201>, which is hereby adopted and incorporated by reference into this rule.

(c) For the 2019/2020 Contract Year, the applicable Detailed Claims Listing Instructions is Form FHCF-DCL, "Contract Year 2019 Detailed Claims Listing Instructions," rev. 01/19, <http://www.flrules.org/Gateway/reference.asp?No=Ref-10202>, which is hereby adopted and incorporated by reference into this rule.

(5) Examination.

(a) Advance examination record requirements. Within 30 days after the date of the request for such information, a

Company must provide the FHCF with the records indicated in the applicable Contract Year's "Exposure Examination Advance Preparation Instructions" or in the applicable Contract Year's "Claims Examination Advance Preparation Instructions." The FHCF may grant an extension of 30 days if the Company can show that the need for the additional time is due to circumstances beyond its reasonable control. For the 2019/2020 Contract Year, the applicable exposure examination instructions form is the "Florida Hurricane Catastrophe Fund (FHCF) Exposure Examination – Contract Year 2019 Advance Preparation Instructions," FHCF-EAP1, rev. 01/19, <http://www.flrules.org/Gateway/reference.asp?No=Ref-10203>, which is hereby adopted and incorporated by reference into this rule. The applicable claims examination instructions form is the "Florida Hurricane Catastrophe Fund (FHCF) Claims Examination – Contract Year 2019 Advance Preparation Instructions," FHCF-LAP1, rev. 01/19, <http://www.flrules.org/Gateway/reference.asp?No=Ref-10204>, which is hereby adopted and incorporated by reference into this rule.

(b) Consequences for failure to meet the requirements contained in the FHCF-EAP1, "Exposure Examination Advance Preparation Instructions" or the FHCF-LAP1, "Claims Examination Advance Preparation Instructions." In addition to other penalties or consequences, the FHCF has the authority, pursuant to section 215.555(4)(f), F.S., to require that the Company pay for the following services under the circumstances specified herein:

1. If the Company is responsible for the delay of an examination, the inability to conduct an examination as scheduled, or the inability to complete an examination, the Company shall be required to reimburse the FHCF for all the usual and customary expenses connected to such delay, cancellation, or incompleteness.

2. If the FHCF finds any Company's records or other necessary information to be inadequate or inadequately posted, recorded, or maintained, the FHCF may employ experts to reconstruct, rewrite, record, post, or maintain such records or information, at the expense of the Company being examined.

3. A Company required to reimburse the FHCF for costs as required in subparagraphs 1. and 2. is liable for interest on the amount owed to the FHCF from the date the FHCF pays such expenses until the date payment from the Company is received. The applicable interest rate will be the average rate earned by the SBA for the FHCF for the first four months of the current Contract Year plus 5%. The payment of reimbursements or refunds by the FHCF to the Company will be offset by any amounts owed by that Company to the FHCF under this paragraph.

(6) Company contact information. Companies must submit Form FHCF C-1, Company Contact Information, by March 1

preceding each Contract Year to the FHCF Administrator, Paragon Strategic Solutions Inc., 8200 Tower, 5600 West 83rd Street, Suite 1100, Minneapolis, Minnesota 55437. A New Participant must submit Form FHCF C-1 within 30 calendar days after writing its first Covered Policy. This form must be updated by the Company as the information provided thereon changes. The FHCF shall have the right to rely upon the information provided by the Company to the FHCF on this form until receipt by the FHCF of a new properly completed and notarized Form FHCF C-1 from the Company.

(7) Deadlines. If any deadline provided for herein falls on a Saturday, Sunday or on a legal State of Florida or federal holiday, then the actual due date will be the day immediately following the applicable due date which is not a Saturday, Sunday or legal State of Florida or federal holiday.

(8) All the forms adopted and incorporated by reference in this rule may be obtained from the FHCF website at www.sbafla.com/fhcf or by contacting the Florida Hurricane Catastrophe Fund Administrator, Paragon Strategic Solutions Inc., 8200 Tower, 5600 West 83rd Street, Suite 1100, Minneapolis, MN 55437.

Rulemaking Authority 215.555(3) FS. Law Implemented 215.555(2), (3), (4), (5), (6), (7), (15), 627.351(6), FS. History—New 5-17-99, Amended 6-19-00, 6-3-01, 6-2-02, 11-12-02, 5-13-03, 5-19-04, 8-29-04, 5-29-05, 5-10-06, 5-8-07, 6-8-08, 3-30-09, 8-2-09, 3-29-10, 8-8-10, 7-20-11, 5-22-12, 3-17-13; 4-24-14, 5-12-15, 3-13-16, 1-24-17, 1-29-19,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Anne T. Bert, FHCF Chief Operating Officer, State Board of Administration of Florida.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration of Florida.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 25, 2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 16, 2019

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agent and Agency Services

RULE NOS.:	RULE TITLES:
69B-232.010	Purpose
69B-232.020	Scope
69B-232.030	Definitions
69B-232.040	Calculating Penalty
69B-232.070	Prosecutorial Discretion
69B-232.080	Penalties for Violations of Section 634.181, F.S.
69B-232.085	Penalties for Violations of Sections 634.191, F.S.
69B-232.090	Penalties for Violations of Section 634.320, F.S.
69B-232.095	Penalties for Violations of Section 634.321, F.S.
69B-232.100	Penalties for Violations of Section 634.422, F.S.
69B-232.105	Penalties for Violations of Section 634.423, F.S.
69B-232.110	Penalties for Violations of Sections 634.191(5), 634.321(5) and 634.423(5), F.S.
69B-232.115	Penalties for Violations of Section 642.041, F.S.
69B-232.120	Penalties for Violations of Section 642.043, F.S.
69B-232.130	Penalties for Violations of Other Specific Provisions of the Florida of the Florida Insurance Code.
69B-232.140	Penalties for Violations of the Other Florida Insurance Code Provisions.
69B-232.150	Criminal Proceedings
69B-232.160	Aggravating/Mitigating Factors.

PURPOSE AND EFFECT: This proposed new rule chapter establishes specific penalty guidelines for licensees for violations under chapters 634 and 642, F.S., in accordance with section 626.207, F.S.

SUMMARY: The proposed rulemaking adds new penalty guidelines for salespersons, sales representatives, and general lines agents who are subject to discipline under chapters 634 and 642, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: A preliminary economic analysis conducted by the

Department determined that the proposed rules will not have an adverse impact or result in regulatory costs in excess of \$1 million within five years, as established in section 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 624.308, 626.207, 634.021, 634.302, 634.402, FS.

LAW IMPLEMENTED: 624.307, 624.308, 626.207(4), 626.641, 634.041, 634.095, 634.171, 634.181, 634.1815, 634.191, 634.201, 634.282, 634.283, 634.318, 634.319, 634.320, 634.321, 634.322, 634.3225, 634.336, 634.337, 634.420, 634.421, 634.422, 634.423, 634.424, 634.425, 634.436, 634.437, 642.036, 642.041, 642.043, 642.045, FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Monday, August 19, 2019, 10:00 a.m.

PLACE: Larson Building, Room 116, 200 East Gaines Street, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ray Wenger at 200 East Gaines Street, Tallahassee, Florida 32399-0320, (850)413-5605, or Ray.Wenger@MyFloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ray Wenger, Chief, Bureau of Investigation, Division of Insurance Agent and Agency Services (please see contact information in paragraph above).

THE FULL TEXT OF THE PROPOSED RULE IS:

69B-232.010 Purpose.

The purpose of this rule chapter is to implement the Department’s duty under sections 624.307(1) and 626.207(8), F.S., to enforce sections 634.181, 634.191, 634.211, 634.320, 634.321, 634.322, 634.3225, 634.323, 634.422, 634.423, 634.425, 634.426, 642.041, and 642.043, 642.045, 642.047, F.S., by establishing standards for penalties described in those statutory sections and interpreting provisions in those sections as they relate to penalties imposed upon licensees specified in Rule 69B-232.020, F.A.C.

Rulemaking Authority 624.308, 626.207, 634.021, 634.302, 634.402 FS. Law Implemented 624.307, 624.308, 626.207 FS. History–New.

69B-232.020 Scope.

This rule chapter shall apply to salespersons, sales representatives, and general lines agents licensed by the Department under chapters 626, 634, or 642, F.S., who are subject to discipline under sections 634.181, 634.191, 634.320, 634.321, 634.422, 634.423, 642.041, and 642.043, F.S. Rulemaking Authority 624.308, 626.207, 634.021, 634.302, 634.402 FS. Law Implemented 624.307, 624.308, 634.181, 634.191, 634.320, 634.321, 634.422, 634.423, 642.041, 642.043 FS. History–New.

69B-232.030 Definitions.

The following definitions shall apply for purposes of this rule chapter.

(1) “Administrative complaint” means a charging document filed by the Department against a licensee.

(2) “Administrative action” means the factual allegations with citations to violations of the Florida Insurance Code, Department rules, or a Department order grouped together in one or more counts.

(3) “Count” means a single allegation or multiple allegations relating to a single transaction or occurrence which if true, would constitute a violation of one or more provisions of the Florida Insurance Code.

(4) “Convicted” means adjudicated guilty by a court.

(5) “Department” means the Department of Financial Services.

(6) “Final penalty” means the penalty imposed on a licensee by the Department.

(7) “License” shall have the meaning set forth in section 120.52(10), F.S.

(8) “Licensee” means one who holds a license.

(9) “Penalty per count” means the penalty to be assessed for a single count and is the maximum stated penalty for a proven violation.

(10) “Stated penalty” means the penalty for violations set forth in Rules 69B-232.080 through 69B-232.150, F.A.C.

(11) “Total penalty” means the sum of all maximum stated penalties for each count.

Rulemaking Authority 624.308, 626.207, 634.021, 634.302, 634.402 FS. Law Implemented 624.307, 624.308, 634.181, 634.191, 634.320, 634.321, 634.422, 634.423, 642.041, 642.043 FS. History–New.

69B-232.040 Calculating Penalty.

(1) Penalty Per Count.

(a) The Department is authorized to find that multiple grounds exist under sections 634.181, 634.191, 634.320, 634.321, 634.422, 634.423, 642.041, and 642.043, F.S., to initiate disciplinary action against the licensee based upon a single count in an administrative complaint and based upon a

single act of misconduct by a licensee or employee. However, for the purpose of this rule chapter, only the violation specifying the maximum stated penalty will be considered for that count. The maximum stated penalty established for each count is referred to as the “penalty per count.”

(b) The requirement for a single maximum stated penalty for each count in an administrative complaint shall be applicable regardless of the number or nature of the violations established in a single count of an administrative complaint.

(2) Total Penalty. Each penalty per count shall be added together and the sum shall be referred to as the “total penalty.”

(3) Final Penalty. The final penalty imposed against a licensee under these rules shall be the total penalty, as adjusted to take into consideration any aggravating or mitigating factors set forth in Rule 69B-232.160, F.A.C.

(a) If the licensee is a motor vehicle service agreement salesperson, legal expense insurance sales representative, or general lines agent, in the event the final penalty is a suspension for a duration that exceeds twenty-four (24) months, the final penalty shall be revocation.

(b) If the licensee is a home warranty sales representative or service warranty sales representative, in the event the final penalty is a suspension for a duration that exceed twelve (12) months, the final penalty shall be revocation.

Rulemaking Authority 624.308, 626.207, 634.021, 634.302, 634.402 FS. Law Implemented 624.307, 624.308, 626.641, 634.181, 634.191, 634.320, 634.321, 634.3225, 634.422, 634.423, 634.425, 642.041, 642.043 FS. History–New.

69B-232.070 Prosecutorial Discretion.

(1) Letter of Guidance. Every violation of the Florida Insurance Code, Department rules, or an order of the Department will not necessarily result in the imposition of disciplinary action against the licensee. The Department is authorized to close all or part of an investigation by issuing a letter of guidance or caution to the licensee, if warranted upon consideration of the factors set forth in Rule 69B-232.160(1), F.A.C.

(2) Stipulated Disposition. The provisions of this rule chapter are not intended and shall not be construed to limit the ability of the Department to informally dispose of disciplinary actions by stipulation, agreed settlement, or consent order.

(3) Cease and Desist Action. The provisions of this rule chapter shall not preclude the Department from initiating administrative action against licensed or unlicensed individuals for the purpose of imposing a cease and desist and penalty order, as authorized under sections 624.310 and 626.9581, F.S.

(4) Collateral Action. The provisions of this rule chapter are not intended and shall not be construed to limit the ability of the Department to pursue or recommend collateral, civil, or criminal action when appropriate.

Rulemaking Authority 624.308, 626.207, 634.021, 634.302, 634.402 FS. Law Implemented 624.307, 624.308, 634.181, 634.191, 634.283, 634.320, 634.321, 634.337, 634.422, 634.423, 634.437, 642.041, 642.043 FS. History—New.

69B-232.080 Penalties for Violations of Section 634.181, F.S.

The following stated penalties shall apply for violations under section 634.181, F.S., regarding compulsory suspension or revocation of license(s) and appointment(s):

(1) Section 634.181(1), F.S. –

(a) Suspension for 12 months if, had the license application been accurate, the application would have been approved, subject to Department action, based on the statutes and Department licensing rules applicable to the application at the time the Department issued the license, and the documentation in the applicant’s file at the time the Department issued the license;

(b) Revocation if, had the license application been accurate, the application would have been denied based on the statutes and Department licensing rules applicable to the application at the time the Department issued the license.

(2) Section 634.181(2), F.S. – suspension for 6 months.

(3) Section 634.181(3), F.S. – suspension for 9 months.

(4) Section 634.181(4), F.S. – suspension for 9 months.

(5) Section 634.181(5), F.S. – suspension for 6 months.

(6) Section 634.181(6), F.S. – suspension for 6 months.

(7) Section 634.181(7), F.S. – suspension for 12 months.

(8) Section 634.181(8), F.S. – suspension for 12 months.

(9) Section 634.181(9), F.S. – suspension for 6 months.

(10) Section 634.181(10), F.S. – suspension for 6 months.

(11) Section 634.181(11), F.S. – see Rule 69B-232.150,

F.A.C.

(12) Section 634.181(12), F.S. – suspension for 6 months.

Rulemaking Authority 624.308, 626.207, 634.021 FS. Law Implemented 624.307, 624.308, 634.171, 634.181 FS. History—New.

69B-232.085 Penalties for Violations of Section 634.191, F.S.

The following stated penalties shall apply for violations under section 634.191, F.S., regarding discretionary suspension or revocation of license(s) and appointment(s):

(1) Section 634.191(1), F.S. – revocation.

(2) Section 634.191(2), F.S. – suspension for 3 months.

(3) Section 634.191(3), F.S. – suspension for 3 months.

(4) Section 634.191(4), F.S. – suspension for 9 months.

(5) Section 634.191(5), F.S. – see Rule 69B-232.110,

F.A.C.

(6) Section 634.191(6), F.S. – see Rule 69B-232.150,

F.A.C.

Rulemaking Authority 624.308, 626.207, 634.021 FS. Law Implemented 624.307, 624.308, 634.171, 634.191 FS. History—New.

69B-232.090 Penalties for Violations of Section 634.320, F.S.

The following stated penalties shall apply for violations under section 634.320, F.S., regarding compulsory suspension or revocation of license(s) and appointment(s):

(1) Section 634.320(1), F.S. –

(a) Suspension for 12 months if, had the license application been accurate, the application would have been approved subject to Department action, based on the statutes and Department licensing rules applicable to the application at the time the Department issued the license, and the documentation in the applicant’s file at the time the Department issued the license;

(b) Revocation if, had the license application been accurate, the application would have been denied based on the statutes and Department licensing rules applicable to the application at the time the Department issued the license.

(2) Section 634.320(2), F.S. – suspension for 6 months.

(3) Section 634.320(3), F.S. – suspension for 9 months.

(4) Section 634.320(4), F.S. – suspension for 9 months.

(5) Section 634.320(5), F.S. – suspension for 6 months.

(6) Section 634.320(6), F.S. – suspension for 6 months.

(7) Section 634.320(7), F.S. – suspension for 12 months.

(8) Section 634.320(8), F.S. – suspension for 12 months.

(9) Section 634.320(9), F.S. – suspension for 6 months.

(10) Section 634.320(10), F.S. – suspension for 6 months.

(11) Section 634.320(11), F.S. – see Rule 69B-232.150,

F.A.C.

Rulemaking Authority 624.308, 626.207, 634.302 FS. Law Implemented 624.307, 624.308, 634.318, 634.320 FS. History—New.

69B-232.095 Penalties for Violation of Section 634.321, F.S.

The following stated penalties shall apply for violations under section 634.321, F.S., regarding discretionary suspension or revocation of license(s) and appointment(s):

(1) Section 634.321(1), F.S. – revocation.

(2) Section 634.321(2), F.S. – suspension for 3 months.

(3) Section 634.321(3), F.S. – suspension for 3 months.

(4) Section 634.321(4), F.S. – suspension for 9 months.

(5) Section 634.321(5), F.S. – See Rule 69B-232.110,

F.A.C.

(6) Section 634.321(6), F.S. – see Rule 69B-232.150,

F.A.C.

Rulemaking Authority 624.308, 626.207, 634.302 FS. Law Implemented 624.307, 624.308, 634.318, 634.321 FS. History—New.

69B-232.100 Penalties for Violations of Section 634.422, F.S.

The following stated penalties shall apply for violations under section 634.422, F.S., regarding compulsory suspension or revocation of license(s) and appointment(s):

(1) Section 634.422(1), F.S. –

(a) Suspension for 12 months if, had the license application been accurate, the application would have been approved, subject to Department action, based on the statutes and Department licensing rules applicable to the application at the time the Department issued the license, and the documentation in the applicant’s file at the time the Department issued the license;

(b) Revocation if, had the license application been accurate, the application would have been denied based on the statutes and Department licensing rules applicable to the application at the time the Department issued the license.

(2) Section 634.422(2), F.S. – suspension for 6 months.

(3) Section 634.422(3), F.S. – suspension for 9 months.

(4) Section 634.422(4), F.S. – suspension for 9 months.

(5) Section 634.422(5), F.S. – suspension for 6 months.

(6) Section 634.422(6), F.S. – suspension for 6 months.

(7) Section 634.422(7), F.S. – suspension for 12 months.

(8) Section 634.422(8), F.S. – suspension for 12 months.

(9) Section 634.422(9), F.S. – suspension for 6 months.

(10) Section 634.422(10), F.S. – suspension for 6 months.

(11) Section 634.422(11), F.S. – see Rule 69B-232.150,

F.A.C.

Rulemaking Authority 624.308, 626.207, 634.402 FS. Law Implemented 624.307, 624.308, 634.420, 634.422 FS. History–New.

69B-232.105 Penalties for Violations of Section 634.423, F.S.

The following stated penalties shall apply for violations under section 634.423, F.S., regarding discretionary suspension or revocation of license(s) and appointment(s):

(1) Section 634.423(1), F.S. – revocation.

(2) Section 634.423(2), F.S. – suspension for 3 months.

(3) Section 634.423(3), F.S. – suspension for 3 months.

(4) Section 634.423(4), F.S. – suspension for 9 months.

(5) Section 634.423(5), F.S. – see Rule 69B-232.110,

F.A.C.

(6) Section 634.423(6), F.S. – see Rule 69B-232.150,

F.A.C.

Rulemaking Authority 624.308, 626.207, 634.402 FS. Law Implemented 624.307, 624.308, 634.420, 634.423 FS. History–New.

69B-232.110 Penalties for Violations of Sections 634.191(5), 634.321(5) and 634.423(5), F.S.

The following stated penalties shall apply for violations under sections 634.191(5), 634.321(5), and 634.423(5), F.S., for engaging in unfair methods of competition or in unfair or deceptive acts or practices, as defined in any of the following sections 634.282, 634.336, and 634.436, F.S.:

(1) Section 634.282(1), F.S. – suspension for 12 months.

(2) Section 634.282(2), F.S. – suspension for 6 months.

(3) Section 634.282(3), F.S. – suspension for 3 months.

(4) Section 634.282(4), F.S. – suspension for 3 months.

(5) Section 634.282(5), F.S. – suspension for 6 months.

(6) Section 634.282(6), F.S. – suspension for 6 months.

(7) Section 634.282(7), F.S. – suspension for 6 months.

(8) Section 634.282(8), F.S. – suspension for 6 months.

(9) Section 634.282(9), F.S. – suspension for 3 months.

(10) Section 634.282(10), F.S. – suspension for 6 months.

(11) Section 634.282(11), F.S. – suspension for 9 months.

(12) Section 634.282(12), F.S. – suspension for 6 months.

(13) Section 634.282(13), F.S. – suspension for 6 months.

(14) Section 634.282(14), F.S. – suspension for 3 months.

(15) Section 634.282(15), F.S. – suspension for 9 months.

(16) Section 634.282(16), F.S. – suspension for 6 months.

(17) Section 634.282(17), F.S. – suspension for 6 months.

(18) Section 634.336(1), F.S. – suspension for 12 months.

(19) Section 634.336(2), F.S. – suspension for 6 months.

(20) Section 634.336(3), F.S. – suspension for 3 months.

(21) Section 634.336(4), F.S. – suspension for 6 months.

(22) Section 634.336(5), F.S. – suspension for 6 months.

(23) Section 634.336(6), F.S. – suspension for 3 months.

(24) Section 634.336(7), F.S. – suspension for 6 months.

(25) Section 634.336(8), F.S. – suspension for 6 months.

(26) Section 634.336(9), F.S. – suspension for 6 months.

(27) Section 634.436 (1), F.S. – suspension for 12 months.

(28) Section 634.436(2), F.S. – suspension for 6 months.

(29) Section 634.436(3), F.S. – suspension for 3 months.

(30) Section 634.436(4), F.S. – suspension for 6 months.

(31) Section 634.436(5), F.S. – suspension for 6 months.

(32) Section 634.436(6), F.S. – suspension for 3 months.

(33) Section 634.436(7), F.S. – suspension for 6 months.

(34) Section 634.436(8), F.S. – suspension for 6 months.

(35) Section 634.436(9), F.S. – suspension for 6 months.

Rulemaking Authority 624.308, 626.207, 634.021, 634.302, 634.402 FS. Law Implemented 624.307, 624.308, 634.191, 634.321, 634.282, 634.283, 634.336, 634.337, 634.423, 634.436, 634.437 FS. History–New.

69B-232.115 Penalties for Violations of Section 642.041, F.S.

The following stated penalties shall apply for violations under section 642.041, F.S., regarding compulsory suspension or revocation of license(s) and appointment(s):

(1) Section 642.041(1), F.S. –

(a) Suspension for 12 months if, had the license application been accurate, the application would have been approved, subject to Department action, based on the statutes and the Department’s licensing rules applicable to the application at the time the Department issued the license, and the documentation

in the applicant's file at the time the Department issued the license:

(b) Revocation if, had the license application been accurate, the application would have been denied, based on the statutes and Department licensing rules applicable to the application at the time the Department issued the license.

- (2) Section 642.041(2), F.S. – suspension for 6 months.
- (3) Section 642.041(3), F.S. – suspension for 9 months.
- (4) Section 642.041(4), F.S. – suspension for 9 months.
- (5) Section 642.041(5), F.S. – suspension for 6 months.
- (6) Section 642.041(6), F.S. – suspension for 6 months.
- (7) Section 642.041(7), F.S. – suspension for 12 months.
- (8) Section 642.041(8), F.S. – suspension for 12 months.
- (9) Section 642.041(9), F.S. – suspension for 6 months.
- (10) Section 642.041(10), F.S. – suspension for 6 months.
- (11) Section 642.041(11), F.S. – see Rule 69B-232.150,

F.A.C.

Rulemaking Authority 624.308, 626.207 FS. Law Implemented 624.307, 624.308, 642.036, 642.041 FS. History–New.

69B-232.120 Penalties for Violations of Section 642.043, F.S.

The following stated penalties shall apply for violations under section 642.043, F.S., regarding discretionary suspension or revocation of license(s) and appointment(s):

- (1) Section 642.043(1), F.S. – revocation.
- (2) Section 642.043(2), F.S. – suspension for 3 months.
- (3) Section 642.043(3), F.S. – suspension for 3 months.
- (4) Section 642.043(4), F.S. – suspension for 9 months.
- (5) Section 642.043(5), F.S. – see Rule 69B-231.100,

F.A.C.

- (6) Section 642.043(6), F.S. – see Rule 69B-232.150,

F.A.C.

Rulemaking Authority 624.308, 626.207 FS. Law Implemented 624.307, 624.308, 642.036, 642.043 FS. History–New.

69B-232.130 Penalties for Violations of Other Specific Provisions of the Florida Insurance Code.

The following stated penalties shall apply for violations of the following provisions of the Florida Insurance Code:

- (1) Section 634.095(1), F.S. – suspension for 6 months.
- (2) Section 634.095(2), F.S. – suspension for 6 months.
- (3) Section 634.095(3)(a), F.S. – suspension for 6 months.
- (4) Section 634.095(3)(b), F.S. – suspension for 6 months.
- (5) Section 634.095(3)(c), F.S. – suspension for 12 months.
- (6) Section 634.095(3)(d), F.S. – suspension for 12 months.
- (7) Section 634.095(4), F.S. – suspension for 6 months.
- (8) Section 634.095(5), F.S. – suspension for 6 months.
- (9) Section 634.095(6), F.S. – suspension for 6 months.
- (10) Section 634.1815, F.S. – suspension for 3 months.
- (11) Section 634.319(1), F.S. – suspension for 9 months.
- (12) Section 634.3205, F.S. – suspension for 3 months.

(13) Section 634.421(1), F.S. – suspension for 9 months.

(14) Section 634.4225, F.S. – suspension for 3 months.

Rulemaking Authority 624.308, 626.207, 634.021, 634.302, 634.402 FS. Law Implemented 624.307, 624.308, 634.041, 634.095, 634.1815, 634.201, 634.319, 634.322, 634.421, 634.424, 642.045 FS. History–New.

69B-232.140 Penalties for Violations of Other Florida Insurance Code Provisions.

Unless otherwise specified in this rule chapter or in the code provision violated, the stated penalty for a violation of a provision of the Florida Insurance Code shall be a suspension for six (6) months if the violation was willful or shall be a suspension for three (3) months if the violation was non-willful.
Rulemaking Authority 624.308, 626.207 FS. Law Implemented 624.307, 624.308, 634.171, 634.181, 634.191, 634.318, 634.320, 634.321, 634.420, 634.422, 634.423, 642.036, 642.043 FS. History–New.

69B-232.150 Criminal Proceedings.

(1) If a licensee was convicted or found guilty of, or has entered a plea of guilty or nolo contendere (no contest) to, regardless of adjudication, a felony or a crime punishable by imprisonment of one (1) year or more under the laws of the United States of America, or of any state thereof, or under the laws of any other country, the penalty shall be revocation or suspension for 24 months for the licensees specified in Rule 69B-232.040(3)(a) and revocation or suspension for 12 months for the licensees specified in Rule 69B-232.040(3)(b).

(a) The terms of suspension and revocation and the conditions for reapplying for licensure for salespersons, legal expense insurance sales representatives, and general lines agents are provided in sections 626.641 and 626.207, F.S.

(b) The terms of suspension and revocation and the conditions for reapplying for licensure for home warranty sales representatives are provided in sections 634.3225 and 626.207, F.S.

(c) The terms of suspension and revocation and the conditions for reapplying for licensure for service warranty sales representatives are provided in sections 634.425 and 626.207, F.S.

(2)(a) In accordance with section 626.207, F.S., any licensee that was convicted or found guilty of, or entered a plea of guilty or nolo contendere (no contest) to, regardless of adjudication, a first degree felony, a capital felony, a felony involving money laundering, fraud, or embezzlement, or a felony directly related to the financial services business, is permanently barred from applying for reinstatement of any revoked or suspended license and from applying for any license under the Florida Insurance Code.

(b) In accordance with section 626.207, F.S., any licensee that was convicted or found guilty of, entered a plea of guilty or

nolo contendere (no contest) to, regardless of adjudication, a felony involving moral turpitude not specifically included in paragraph (2)(a) of this rule or section 626.207(2), F.S., is prohibited from applying for reinstatement of any revoked or suspended license, and prohibited from applying for any other license under the Florida Insurance Code for a period of 15 years (subject to modification pursuant to Rule 69B-211.042, F.A.C.). The disqualifying period shall start on the date of the licensee's final release from supervision or the completion date of the licensee's criminal sentence, whichever occurs later. The Department shall not issue a license unless all related fines, court costs and fees, and court-ordered restitution have been paid.

(c) In accordance with section 626.207, F.S., any licensee that has been convicted or found guilty of, or entered a plea of guilty or nolo contendere (no contest) to, regardless of adjudication, a felony not involving moral turpitude is prohibited from applying for reinstatement of a revoked or suspended license and from applying for any license under the Florida Insurance Code for a period of seven (7) years. The disqualifying period shall start on the date of the licensee's final release from supervision or the completion date of the licensee's criminal sentence, whichever occurs later. The Department shall not issue a license unless all related fines, court costs and fees, and court-ordered restitution have been paid.

(3) For purposes of this rule, in the event that a conviction or plea is based on the laws of a country other than the United States, the Department shall consider the following factors to determine if the crime is the equivalent of a felony crime under sections 634.181(11), 634.191(6), 634.320(11), 634.321(6), 634.422(11), 634.423(6), 642.041(11) and 642.043(6), F.S.:

(a) Whether the crime would be a felony under the laws of the United States or any state within the United States; and,

(b) The degree of the penalty associated with the same or similar crimes in the United States.

Rulemaking Authority 624.308, 626.207, 634.021, 634.302, 634.402 FS. Law Implemented 624.307, 624.308, 626.207, 626.641, 634.171, 634.181, 634.191, 634.318, 634.320, 634.321, 634.3225, 634.420, 634.422, 634.423, 634.425, 642.036, 642.041, 642.043 FS. History—New.

69B-232.160 Aggravating/Mitigating Factors.

The Department shall consider the following aggravating and mitigating factors in order to determine the final penalty assessed against a licensee under this rule chapter.

(1) For penalties other than those assessed under Rule 69B-232.150, F.A.C.:

(a) Willfulness of licensee's conduct;

(b) Degree of actual injury to victim(s);

(c) Degree of potential injury to victim(s);

(d) Age or capacity of victim(s);

(e) Restitution to victim(s);

(f) Motivation of licensee;

(g) Financial gain or loss to licensee;

(h) Financial loss to victim(s);

(i) Vicarious or personal responsibility;

(j) Related criminal charge; disposition;

(k) Existence of secondary violations in counts;

(l) Previous disciplinary orders or prior warning by the Department; and

(m) Violation of any part of sections 634.282, 634.336, and 634.436, F.S.

(2) For suspensions assessed under Rule 69B-232.150, F.A.C., for violations of sections 634.181(11), 634.191(6), 634.320(11), 634.321(6), 634.422(11), 634.423(6), 642.041(11) and 642.043(6), F.S.:

(a) Number of years that have passed since criminal proceeding;

(b) Age of licensee at time the crime was committed;

(c) Whether or not licensee served time in jail;

(d) Whether or not licensee violated criminal probation;

(e) Whether or not licensee is still on criminal probation;

(f) Whether or not licensee's actions or behavior resulted in substantial injury to victim(s);

(g) Whether or not restitution was, or is being timely paid; and

(h) Whether or not licensee's civil rights have been restored.

Rulemaking Authority 624.308, 626.207, 634.021, 634.302, 634.402 FS. Law Implemented 624.307, 624.308, 626.207(4), 634.181, 634.191, 634.320, 634.321, 634.422, 634.423, 642.041, 642.043 FS. History—New.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Ray Wenger

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: CFO Jimmy Patronis

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 22, 2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 14, 2019

DEPARTMENT OF FINANCIAL SERVICES

Finance

RULE NO.: RULE TITLE:

69V-560.403 Net Worth

PURPOSE AND EFFECT: To repeal the net worth provisions.

SUMMARY: To repeal the net worth provisions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly

regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Agency expressly relies on an analysis of potential impact conducted by persons with subject matter knowledge of this rule.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 560.105, FS.

LAW IMPLEMENTED: 560.209, FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: sheila.harley@flofr.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-560.403 Net Worth.

Rulemaking Authority 560.105 FS. Law Implemented 560.209 FS. History--New 9-24-97, Formerly 3C-560.403, Amended 1-13-09, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gregory Oaks

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 25, 2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 12, 2019

DEPARTMENT OF FINANCIAL SERVICES

Finance

RULE NOS.:	RULE TITLES:
69V-560.1000	Disciplinary Guidelines
69V-560.1012	Adoption of Forms
69V-560.1013	Electronic Filing of Forms and Fees
69V-560.102	Application or Appointment Procedures and Requirements
69V-560.103	Definitions
69V-560.107	Registration of Locations and Appointment of Authorized Vendors
69V-560.201	Requirements
69V-560.302	Renewal Fees, Deadlines, and Requirements
69V-560.504	Reimbursement Rates for Examinations Conducted by the Office
69V-560.602	Quarterly Reports
69V-560.606	Annual Filing of Financial Audit Reports by Part II Licensees
69V-560.608	Currency Transaction Report Filings
69V-560.609	Suspicious Activity Report Filings
69V-560.702	Payment Instrument Sellers
69V-560.703	Money Transmitters
69V-560.704	Records to Be Maintained by Check Cashers
69V-560.7041	Check Cashing Database Access
69V-560.7042	Check Cashing Database Access Transaction Requirements
69V-560.7043	Check Cashing Database Availability
69V-560.707	Records to be Maintained by Deferred Presentment Providers
69V-560.902	Definitions
69V-560.903	Deferred Presentment Transactions
69V-560.904	Transaction Agreement Disclosures and Requirements
69V-560.905	Transaction Fees
69V-560.907	Database Access
69V-560.908	Database Transaction Requirements
69V-560.909	Database Availability
69V-560.910	Database Transaction Fees
69V-560.911	Database Dispute Resolution for Customers
69V-560.912	Database Confidentiality
69V-560.913	Termination of Deferred Presentment Activity; Database Maintenance

PURPOSE AND EFFECT: The purpose and effect of the rule amendments is to remove the disciplinary guidelines as found in the existing rule provisions and to transfer the disciplinary guidelines to a form incorporated into the rule chapter entitled "Office of Financial Regulation, Division of Consumer Finance, Disciplinary Guidelines for Money Services Businesses," to amend mitigating and aggravating factors, to update form citations, to provide an exemption from online filing requirements for technological or financial hardships, to specify fingerprint exemptions for certain individuals, to provide an additional 45 days for submission of additional application information, to deem certain applications

abandoned, to delete and amend definitions, to specify who must file Form 560-02, to specify when Form 560-02 must be filed, to specify when application amendments must be filed, to clarify the license renewal process, to establish a set rate for exam fees, to clarify quarterly report requirements, to correct inaccurate terminology, to clarify record keeping requirements, to amend existing rules and propose new rules to conform to and implement Chapter No. 218-26, Laws of Florida, which was signed into law on March 19, 2018. The legislation requires the Financial Service Commission to implement, by rule, certain provisions related to deferred presentment installment transactions.

SUMMARY: To amend existing rules and propose new rules to conform to and implement Chapter No. 218-26, Laws of Florida, which was signed into law on March 19, 2018, to remove the disciplinary guidelines as found in the existing provisions and to transfer the disciplinary guidelines provisions to an incorporated form, to update form citations, and to amend rule provisions to bring clarity to the rule chapter.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Agency expressly relies on an analysis of potential impact conducted by persons with subject matter knowledge of this rule.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 215.405, 560.105, 560.1091, 560.1092, 560.1105, 560.1141, 560.118, 560.123, 560.126, 560.141, 560.142, 560.143, 560.2085, 560.209, 560.211, 560.310, 560.403, 560.404, FS.

LAW IMPLEMENTED: 215.405, 560.103, 560.105, 560.141, 560.109, 560.1091, 560.1092, 560.118, 560.126, 560.127, 560.1105, 560.111, 560.114, 560.1141, 560.118, 560.123, 560.1235, 560.125, 560.126, 560.128, 560.1401, 560.142, 560.143, 560.204, 560.205, 560.208, 560.2085, 560.209, 560.210, 560.211, 560.213, 560.303, 560.309, 560.310, 560.402, 560.403, 560.404, 560.4041, 560.405, 560.406, 943.053, FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: sheila.harley@flofr.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-560.1000 Disciplinary Guidelines.

(1) Pursuant to section 560.1141, F.S., disciplinary guidelines applicable to each ground for disciplinary action that may be imposed by the Office against a person for a violation of chapter 560 F.S., are hereby adopted. The disciplinary guidelines are contained in "Office of Financial Regulation, Division of Consumer Finance, Form OFR-560-09, Disciplinary Guidelines for Money Services Businesses, which is hereby incorporated by reference, effective XXMonth Day, YearXX. A copy of the disciplinary guidelines is available on the Office's website at www.flofr.com and <http://www.flrules.org/Gateway/XXXXXXX>. For the purpose of this rule and the disciplinary guidelines, the term "citation" means: a notice of non-compliance; written agreement; or final order docketed by the agency that specifies a violation of chapter 560, F.S., or any rule promulgated under that chapter.

(2) Consistent with the disciplinary guidelines contained in the Office of Financial Regulation, Division of Consumer Finance, Form OFR-560-09, Disciplinary Guidelines for Money Services Businesses, the Office may issue: a written agreement which includes an administrative fine, but not adopted by final order; orders to revoke or suspend a license; orders to impose an administrative fine; orders of prohibition; orders of removal; orders denying applications; notices of non-compliance; and/or bring an action for injunction. Also, consistent with the disciplinary guidelines, to determine penalties, the Office may consider the combined effect of violations.

(a) Depending on the severity and repetition of specific violations, the Office may impose an administrative fine, suspension of a license, or revocation of a license or any combination thereof;

(b) For first citations identified in the disciplinary guidelines as minor violations, the Office shall issue a notice of non-compliance except when the Office identifies aggravating circumstances that would warrant a more severe penalty.

(c) For second citations identified in the disciplinary guidelines as minor violations, the Office may issue a written agreement which is not adopted by final order imposing an administrative fine. Written agreements may be used only when the violations are limited to minor violations.

(3) In accordance with section 560.1141, F.S., the Office shall consider the following circumstances in determining an

appropriate penalty within the range of penalties prescribed in the disciplinary guidelines for each violation. The Office shall also consider the circumstances when determining whether a deviation from the range of penalties in the disciplinary guidelines is warranted:

(a) The following circumstances are considered mitigating factors which will be used to reduce the penalty:

1. The violation rate is less than 5% when compared to the overall sample size reviewed;

2. No prior citation by the Office against the money services business or person with a controlling interest in the money services business within the past 10 years;

3. The money services business detected and voluntarily instituted corrective action or measures to avoid the recurrence of the violation prior to the detection and intervention by the Office;

4. The violation is attributable to a single person or employee, and the money services business removed or otherwise disciplined the individual prior to detection or intervention by the Office;

5. The money services business is responsive to the Office's requests or inquiries or made no attempt to impede or delay the Office in its examination or investigation of the underlying misconduct; or

6. Other relevant, case-specific circumstances.

(b) The following circumstances are considered aggravating factors which will be used to increase the penalty:

1. The violation rate is more than 95% when compared to the overall sample size reviewed (sample size must be equal to or greater than 50 transactions and cover a date range of at least 6 months);

2. There is a potential for harm to customers or the public;

3. Prior citations by the Office against the money services business or person with a controlling interest in the money services business within the past 5 years which contain the same violations;

4. The violation was the result of willful misconduct or recklessness;

5. The money services business or person with a controlling interest in the money services business attempted to conceal the violation or mislead the Office; or

6. Other relevant, case-specific circumstances.

(4) The list of violations cited in the disciplinary guidelines is intended to be comprehensive, but the omission of a violation from the list does not preclude the Office from taking any action authorized by chapter 560, F.S.

(5) The ranges for administrative fines imposed by the disciplinary guidelines are \$1,000 to \$3,500 for an "A" level fine; \$3,500 - \$7,500 for a "B" level fine; and \$7,500 - \$10,000 for a "C" level fine.

(6) The ranges for suspension imposed by the disciplinary guidelines are 3 to 10 days for an "A" level suspension; 10 to 20 days for a "B" level suspension; 20 to 30 days for a "C" level suspension; and up to 90 days for a "D" level suspension. A "D" level suspension may be terminated early if the money services business cures the violation.

(1) Pursuant to section 560.1141, F.S., listed below are disciplinary guidelines applicable to each

ground for disciplinary action that may be imposed by the Office against a chapter 560, F.S., licensee for a material violation of chapter 560, F.S. In determining an appropriate penalty within the range of penalties prescribed in this rule for each violation as based upon the citation number, the Office shall consider the circumstances set forth in subsection (148). For purposes of this rule, the term "citation" means any written notice provided to and received by the licensee that specifies a violation of chapter 560, F.S., or any rule promulgated under that chapter.

-	Statute	Violation Description	1 st Citatio n	2 nd Citatio n	3 rd Citatio n
(1)	Section 560.109(3)(a), F.S.	Failure to make available to the Office within 3 days all required books and records after written notice.	Fine: A Suspension: A	Fine: B Suspension: B	Fine: C Suspension: C
(2)	Section 560.109(7), F.S.	Failure to pay reasonable and necessary costs for exams or investigations based on actual costs incurred.	Fine: A Suspension: A	Fine: B Suspension: B	Fine: C Suspension: C
(3)	Section 560.1092(1), F.S.	Failure to pay to the Office the	Fine: A Suspension: A	Fine: B Suspension: B	Fine: C Suspension: C

		expenses of an examination at a rate adopted by rule.			
(4)	Section 560.1105, F.S.	Failure to maintain all records for 5 years.	Fine: A Suspension: A Revocation	Fine: B Suspension: B Revocation	Fine: C Suspension: C Revocation
(5)	Section 560.1105(1), F.S.	Failure to make books and records available to the Office within 3 business days after receipt of a written request.	Fine: A Suspension: A	Fine: B Suspension: B	Fine: C Suspension: C
(6)	Section 560.111(1)(a), F.S.	Receiving or possessing property, except in payment of a just demand, and, with intent to deceive or defraud, to omit to make or to cause to be made a full and true entry thereof in its books and accounts, or to concur in omitting to make any material	Fine: C Revocation	N/A	N/A

		entry thereof.			
(7)	Section 560.111(1)(b), F.S.	Embezzle, abstract, or misapply any money, property, or other thing of value belonging to the money services business, an authorized vendor, or customer with intent to deceive or defraud.	Fine: C Revocation	N/A	N/A
(8)	Section 560.111(1)I, F.S.	Making false entry in books and records with intent to deceive or defraud another person, appropriate regulator, or authorized third party appointed by the Office to examine or investigate a licensee or its authorized vendor.	Fine: C Suspension: C Revocation	N/A	N/A
(9)	Section 560.111(1)(d), F.S.	Engaging in acts that violate 18 U.S.C. s.	Fine: C Revocation	N/A	N/A

		1956, 31 U.S.C. s. 5324, or any law or rule of another state or the United States relating to a money services business, deferred presentment provider, or usury which is a ground for the denial or revocation of a money services business or deferred presentment provider or its equivalent.			
(10)	Section 560.111(1) I, F.S.	Filing with the Office, signing as a duly authorized representative, or delivering or disclosing to the Office any books and records known to be fraudulent or false as to any	Fine: C Revocation	N/A	N/A

		material matter.			
(11)	Section 560.111(1) (f), F.S.	Placing among a money services business any note, obligation, or security that the money services business or its authorized vendor does not own or is known to be fraudulent or otherwise worthless or to represent to the Office that these documents are known to be fraudulent or otherwise worthless.	Fine: C Revocation	N/A	N/A
(12)	Section 560.114 (1)(a), F.S.	Failure to comply with any order of the Office or any written agreement entered into with the Office.	Fine: B Suspension: B Revocation	Fine: C Suspension: C Revocation	Fine: C Revocation
(13)	Section 560.114(1) (b), F.S.	Fraud, misrepresentation, deceit, or	Fine: C Suspension: C	Fine: C Revocation	N/A

		gross negligence in any transaction by a money services business, regardless of reliance thereon by, or damage to, a customer.	Revocation		
(14)	Section 560.114(1) I, F.S.	Fraudulent misrepresentation, circumvention, or concealment of any matter that must be stated or furnished to a customer pursuant to chapter 560, F.S., regardless of reliance thereon by, or damage to, such customer.	Fine: C Revocation	N/A	N/A
(15)	Section 560.114(1) (d), F.S.	False, deceptive, or misleading advertising	Fine: C Suspension: C	Fine: C Suspension: C Revocation	Fine: C Suspension: C Revocation
(16)	Section 560.114(1) I, F.S.	Failure to maintain, preserve, keep available for examination, and produce all books,	Fine: A Suspension: A	Fine: B Suspension: B Revocation	Fine: C Suspension: C Revocation

		accounts, files, or other documents required by chapter 560, F.S.			
(17)	Section 560.114(1) (f), F.S.	Refusing to allow the examination or inspection of books, accounts, files, or other documents by the Office pursuant to chapter 560, F.S., or to comply with a subpoena issued by the Office.	Fine: B Suspension: B Revocation	Fine: C Revocation	Revocation
(18)	Section 560.114(1) (g), F.S.	Failure to pay a judgment recovered in any court by a claimant in an action arising out of a money transmission transaction within 30 days after the judgment became final.	Fine: A Suspension: A	Fine: B Suspension: B	Fine: C Revocation
(19)	Section 560.114(1) (h), F.S.	Engaging in acts prohibited	Fine: C Revocation	N/A	N/A

		under section 560.111, F.S.			
(20)	Section 560.114(1)(i), F.S.	Insolvency	Fine: A Suspension: A Revocation	Fine: B Suspension: B Revocation	Fine: C Suspension: B Revocation
(21)	Section 560.114(1)(j), F.S.	Failure to remove an affiliated party after the Office has issued and served a final order setting forth a finding that the affiliated party has violated a provision of chapter 560, F.S.	Fine: A Suspension: A Revocation	Fine: B Suspension: B Revocation	Fine: C Suspension: C Revocation
(22)	Section 560.114(1)(k), F.S.	Making a material misstatement, misrepresentation, or omission in an application; amendment, or appointment of an authorized vendor.	Fine: A Suspension: A Revocation	Fine: B Suspension: B Revocation	Fine: C Suspension: C Revocation
(23)	Section 560.114(1)(l), F.S.	Committing any act that results in a license, or its	Fine: A Suspension: A Revocation	Fine: B Suspension: B Revocation	Fine: C Suspension: C Revocation

		equivalent, to practice any profession or occupation, being denied, suspended, revoked, or otherwise acted against by a licensing authority in any jurisdiction			
(24)	Section 560.114(1)(m), F.S.	Being the subject of final agency action or its equivalent, issued by an appropriate regulator, for engaging in unlicensed money services business or deferred presentment provider activity in any jurisdiction	Fine: C	Fine: C Suspension: C	Fine: C Suspension: C
(25)	Section 560.114(1)(n), F.S.	Committing any act resulting in a license or its equivalent to practice any	Fine: C Suspension: C Revocation	Fine: C Suspension: C Revocation	Fine: C Suspension: C Revocation

		profession or occupation being denied, suspended, revoked, or otherwise acted against by a licensing authority in any jurisdiction for a violation of 18 U.S.C. s. 1956, 18 U.S.C. s. 1957, and 18 U.S.C. s. 1960, 31 U.S.C. s. 5324, or any law or rule of another state or the United States relating to a money services business, deferred presentment provider, or usury.						crime punishable by imprisonment of 1 year or more under the law of any state of the United States which involves fraud, moral turpitude, or dishonest dealing, regardless of adjudication.			
(26)	Section 560.114(1)(e), F.S.	Having been convicted of, or entered a plea of guilty or nolo contendere to any felony or	Fine: C Revocation	N/A	N/A	(27)	Section 560.114(1)(p), F.S.	Having been convicted of, or entered a plea of guilty or nolo contendere to a crime under 18 U.S.C. s. 1956 or 31 U.S.C. s. 5324 regardless of adjudication.	Fine: C Revocation	N/A	N/A
(28)	Section 560.114(1)(q), F.S.	Having been convicted of, or entered a plea of guilty or nolo contendere to any felony or	Fine: C Revocation	N/A	N/A	(28)	Section 560.114(1)(q), F.S.	Having been convicted of, or entered a plea of guilty or nolo contendere to any felony or	Fine: C Revocation	N/A	N/A

		to misappropriation, conversion, or unlawful withholding of moneys belonging to others, regardless of adjudication.			
(29)	Section 560.114(1) I, F.S.	Failure to inform the Office in writing within 30 days after having pled guilty or nolo contendere to, or being convicted of, any felony or crime punishable by imprisonment of 1 year or more under the law of any state or the U.S., or any crime involving fraud, moral turpitude, or dishonest dealing.	Fine: B	Fine: C Revocation	N/A
(30)	Section 560.114(1) (s), F.S.	Aiding, assisting, procuring, advising,	Fine: B Suspension: B	Fine: C Suspension: C	N/A

		or abetting any person in violating a provision of chapter 560, F.S., or any order or rule of the Office or Commission.	Revocation	Revocation	
(31)	Section 560.114(1) (t), F.S.	Failure to pay any fee, charge, or cost imposed or assessed under chapter 560, F.S.	Fine: A Suspension: A	Fine: B Suspension: B	Fine: C Revocation: C
(32)	Section 560.114(1) (u), F.S.	Failure to pay a fine assessed by the Office within 30 days after the due date as stated in the final order.	Fine: B Suspension: B Revocation	Fine: C Revocation	Fine: C Revocation
(33)	Section 560.114(1) (v), F.S.	Failure to pay any judgment entered by any court within 30 days after the judgment becomes final.	Fine: A Suspension: A	Fine: B Suspension: B	Fine: C Suspension: C
(34)	Section 560.114(1) (x), F.S.	Payment to the Office for a license or other fee,	Fine: A Suspension: A	Fine: B Suspension: B	Fine: C Revocation

		charge, cost, or fine with a check or electronic transmission of funds that is dishonored by the applicant's or licensee's financial institution.			
(35)	Section 560.114(1)(y), F.S.	Violations of 31 C.F.R. ss. 103.20, 103.22, 102.23, 103.27, 103.28, 103.29, 103.33, 103.37, 103.41, and 103.125, and United States Treasury Interpretative Release 2004-1. Note: For purposes of the application of this violation, the distinct federal codes referenced shall be treated as separate violations and penalties	Fine: B Suspension: B Revocation	Fine: C Suspension: C Revocation	Fine: C Suspension: C Revocation

		shall be applied separately for each code violation cited.			
(36)	Section 560.114(1)(z), F.S.	Engaging in any practice or conduct that creates the likelihood of material loss, insolvency, or dissipation of assets of a money services business or otherwise materially prejudices the interests of its customers.	Fine: C Suspension: C Revocation	Fine: C Suspension: C Revocation	Fine: C Suspension: C Revocation
(37)	Section 560.114(2), F.S.	Immediate Suspension for failure to provide required records upon written request.	Fine: A Suspension: A	Fine: B Suspension: B	Fine: C Suspension: C
(38)	Section 560.118(1), F.S.	Failure to file annual financial audit reports with the Office pursuant to this chapter 560, F.S.,	Fine: C Revocation if later than 90 days from due date	Fine: C Revocation if later than 90 days from due date	Fine: C Revocation if later than 90 days from due date

		or related rules:			
(39)	Section 560.118(2), F.S.	Failure to submit quarterly reports to the Office in the format specified by rule.	Fine: A Suspension: A	Fine: B Suspension: B	Fine: C Suspension: C Revocation
(40)	Section 560.123(3), F.S.	Failure to maintain a record of every transaction, which occurs in this state that involves currency greater than \$10,000, in one or in aggregate in one day, and involves the proceeds of unlawful activity or is designed to evade reporting requirements of section 560.123 or chapter 896, F.S.	Fine: C Revocation	N/A	N/A
(41)	Section 560.123(3) I, F.S.	Failure to file a currency transaction report for every transaction	Fine: A Suspension: A Revocation	Fine: B Suspension: B Revocation	Fine: C Suspension: C Revocation

		noted in section 560.123(3), F.S.			
(42)	Section 560.123(4), F.S.	Failure to comply with the money laundering, enforcement, and reporting provisions of section 655.50, F.S., involving currency transactions and payment instruments, and chapter 896, F.S., concerning offenses relating to financial transactions.	Fine: A Suspension: A Revocation	Fine: B Suspension: B Revocation	Fine: C Suspension: C Revocation
(43)	Section 560.1235(1), F.S.	Failure to comply with all state and federal laws and rules relating to money laundering, including section 560.123, F.S.; and 31 C.F.R. ss. 103.20, 103.22, 103.23, 103.27, 103.28,	Fine: A Suspension: A Revocation	Fine: B Suspension: B Revocation	Fine: C Suspension: C Revocation

		103.29, 103.33, 103.37, and 103.41.			
(44)	Section 560.1235(2), F.S.	Failure to maintain, review, and update an anti-money laundering program.	Fine: A Suspension: A Revocation	Fine: B Suspension: B Revocation	Fine: C Suspension: C Revocation
(45)	Section 560.1235(3), F.S.	Failure to comply with United States Treasury Interpretive Release 2004-1.	Fine: B Suspension: B Revocation	Fine: B Suspension: B Revocation	Fine: C Suspension: C Revocation
(46)	Section 560.126(1)(a), F.S.	Failure to provide the Office notice within 30 days after occurrence of a bankruptcy filing.	Fine: C Suspension: C	Fine: C Suspension: C	Fine: C Suspension: C
(47)	Section 560.126(1)(b), F.S.	Failure to provide the Office notice within 30 days after occurrence of the commencement of an administrative or judicial suspension, revocation, or denial of a license	Fine: A Suspension: A	Fine: B Suspension: B	Fine: C Suspension: C

		from any other state in the United States.			
(48)	Section 560.126(1) I, F.S.	Failure to provide the office notice within 30 days after occurrence of a felony indictment relating to a money services business or deferred presentment provider involving the licensee, a vendor, or affiliated party. Note: Any licensee suspended under this provision shall be suspended until a final disposition has been reached by the court for the case defined in the suspension order. Any rights to appeal will not be considered in the application	Fine: B Suspension: B	Fine: C Suspension: C	Fine: C Suspension: C

		of this section.			
(49)	Section 560.126(1)(d), F.S.	Failure to provide the office notice within 30 days after occurrence of a felony conviction, guilty plea, or plea of nolo contendere, regardless of adjudication, of a licensee, vendor, or affiliated party.	Revocation	Revocation	Revocation
(50)	Section 560.126(1)I, F.S.	Failure to provide the office notice within 30 days after occurrence of an interruption of any corporate surety bond required.	Fine: B Suspension: B	Fine: B Suspension: B	Fine: C Suspension: C
(51)	Section 560.126(1)(g), F.S.	Failure to provide the office with written notice sent by registered mail within 30 days after the occurrence of knowledge of the	Fine: B Suspension: B	Fine: C Suspension: C	Fine: C Revocation

		notification by law enforcement or a prosecutorial agency that the licensee or vendor is under criminal investigation.			
(52)	Section 560.126(2), F.S.	Failure to report to the Office any change in application or renewal information on Form OFR 560-01, which is incorporated by reference in rule 69V-560.1012, F.A.C., within 30 days after the change.	Fine: A	Fine: B	Fine: C Suspension: C
(53)	Section 560.126(3), F.S.	Failure to report any change in ownership, control, or responsible persons of the licensee.	Fine: A	Fine: B	Fine: C Suspension: C
(54)	Section 560.128(1), F.S.	Failure to provide each customer with a toll-free number or	Fine: A	Fine: A	Fine: B

		the office's toll free number and address for consumer contact.			
(55)	Section 560.208(4), F.S.	Failure to place assets that are the property of a customer in a segregated account in a federally insured institution or the failure to maintain separate accounts for operating capital and the clearing of customer funds.	Fine: B	Fine: C Suspension: C	Fine: C Revocation
(56)	Section 560.208(5), F.S.	Failure to ensure that money transmitted is available to the designated recipient within 10 business days after receipt.	Fine: B	Fine: C	Fine: C Suspension: C
(57)	Section 560.208(6), F.S.	Failure to immediately upon receipt of currency or payment instrument provide a	Fine: A	Fine: C	Fine: C Suspension: C

		confirmation or sequence number to the customer verbally, by paper, or electronically.			
(58)	Section 560.2085(1), F.S.	Failure to notify the Office within 60 days after a vendor commences or terminates licensed activity.	Fine: A	Fine: B	Fine: C Suspension: C
(59)	Section 560.2085(2), F.S.	Failure to enter into a written contract with an authorized vendor, signed by the licensee and the authorized vendor.	Fine: A	Fine: B	Fine: C Suspension: C
(60)	Section 560.2085(2)(a), F.S.	The vendor contract must set forth the nature and scope of the relationship between the licensee and the vendor, including rights and responsibilities.	Fine: A	Fine: B	Fine: C Suspension: C

		ities of the parties.			
(61)	Section 560.2085(2)(b), F.S.	Failure to enter into a written contract that includes requirements of sections 560.2085(2)(b)1-8, F.S.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(62)	Section 560.2085(3), F.S.	Failure to develop and implement written policies and procedures to monitor compliance with applicable state and federal law by a licensee's authorized vendors.	Fine: B	Fine: B	Fine: C Suspension: C
(63)	Section 560.209(1), F.S.	Failure to maintain at all times net worth of at least \$100,000 plus and additional \$10,000 for each location up to \$2 million. Note: Suspension will be ordered until adequate	Fine: B Suspension: B Revocation	Fine: B Suspension: B Revocation	Fine: C Suspension: C Revocation

		net worth has been obtained and accepted by the Office.			
(64)	Section 560.209(2), F.S.	Failure to obtain an annual financial audit report and submit it to the Office within 120 days after the end of the licensee's fiscal year end.	Fine: B Suspension: B Revocation	Fine: B Suspension: B Revocation	Fine: C Suspension: C Revocation
(65)	Section 560.209(3)(a)-(b), F.S.	Failure to provide and pledge to the Office a surety bond not less than \$50,000 or more than \$2 million.	Fine: C Revocation	N/A	N/A
(66)	Section 560.209(3) I, F.S.	Canceling a surety bond without written notice to the Office by registered mail or canceling a bond within 30 days after receipt by the Office of the written	Fine: C Suspension: C	Fine: C Suspension: C	Fine: C Suspension: C

		notice. Note: Suspension will be ordered until adequate surety device has been obtained and accepted by the Office.			
(67)	Section 560.209(3) I, F.S.	Failure to furnish a new or additional surety bond so that the total or aggregate principal sum of the bond equals the required bond under section 560.209(3) I, F.S.	Fine: C Suspension: C	Fine: C Suspension: C	Fine: C Suspension: C
(68)	Section 560.209(4) (a)-(b), F.S.	Failure to deposit collateral cash, securities, or alternative security devices as provided by rule 69V-560.402, F.A.C., in at least the amount required by Form	Fine: C Suspension: C	Fine: C Suspension: C	Fine: C Suspension: C

		OFR 560-07.			
(69)	Section 560.209(4) I, F.S.	Failure to pledge collateral cash, securities, or alternative security devices on Form OFR 560-05, which is incorporated by reference in rule 69V-560.1012, F.A.C., or to maintain such collateral in an insured financial institution as set forth in rule 69V-560.402, F.A.C.	Fine: C Suspension: C	Fine: C Suspension: C	Fine: C Suspension: C
(70)	Section 560.210(1) F.S.	Failure to possess, at all times, permissible investments with an aggregate market value of at least the aggregate face amount of all outstanding money	Fine: B	Fine: B Suspension: B	Fine: C Revocation

		transmissions—and payment instruments issued or sold by the licensee or authorized vendor—in the United States.			
(71)	Section 560.211(1), F.S.	Failure to maintain all records required to be kept by section 560.211, F.S., for 5 years.	Fine: B Suspension: B	Fine: B Suspension: B	Fine: C Revocation
(72)	Section 560.211(1)(a), F.S.	Failure to maintain a daily record of payment instruments sold and money transmitted.	Fine: B Suspension: B	Fine: B Suspension: B	Fine: C Revocation
(73)	Section 560.211(1)(b), F.S.	Failure to maintain a general ledger containing all asset, liability, capital, income, and expense accounts, which must be posted at least monthly.	Fine: B Suspension: B	Fine: B Suspension: B	Fine: C Revocation
(74)	Section 560.211(1) I, F.S.	Failure to maintain daily	Fine: B Suspension: B	Fine: B Suspension: B	Fine: C Revocation

		settlement records received from authorized vendors.			
(75)	Section 560.211(1)(d), F.S.	Failure to maintain monthly financial institution statements and reconciliation records.	Fine: B Suspension: B	Fine: B Suspension: B	Fine: C Revocation
(76)	Section 560.211(1) I, F.S.	Failure to maintain records of outstanding payment instruments—and money transmitted.	Fine: B Suspension: B	Fine: B Suspension: B	Fine: C Revocation
(77)	Section 560.211(1)(f), F.S.	Failure to maintain records of each payment instrument paid—and money transmission delivered.	Fine: B Suspension: B	Fine: B Suspension: B	Fine: C Revocation
(78)	Section 560.211(1)(g), F.S.	Failure to maintain a list of the names and addresses of all of the licensee's authorized vendors.	Fine: B Suspension: B	Fine: B Suspension: B	Fine: C Revocation
(79)	Section 560.211(1)(h), F.S.	Failure to maintain records that document	Fine: B Suspension: B	Fine: B Suspension: B	Fine: C Revocation

		the establishment, monitoring, and termination of relationships with authorized vendors and foreign affiliates.			
(80)	Section 560.211(1)(i), F.S.	Failure to maintain any records, as prescribed by rule, designed to detect and prevent money laundering as set forth in rules 69V-560.608, 69V-560.609, 69V-560.610, 69V-560.702, 69V-560.703, and 69V-560.706, F.A.C.	Fine: B Suspension: B	Fine: B Suspension: B	Fine: C Revocation
(81)	Section 560.213, F.S.	Failure of each payment instrument sold or issued by a licensee, directly or through its authorized vendor, to bear the	Fine: B Suspension: B	Fine: B Suspension: B	Fine: C Revocation

		name of the licensee.			
(82)	Section 560.303(3), F.S.	Charging fees in excess of those provided by section 560.309, F.S., by a person exempt from licensure under chapter 560, part III, F.S.	Fine: A Restitution	Fine: B Restitution Suspension: B	Fine: C Revocation
(83)	Section 560.309(1), F.S.	Failure to transact business under chapter 560, part III, F.S. under the legal name under which the person is licensed.	Fine: B	Fine: B Suspension: B	Fine: C Revocation
(84)	Section 560.309(2), F.S.	Failure to endorse a payment instrument that is accepted or cashed by the licensee using the legal name under which the licensee is licensed.	Fine: B Suspension: B	Fine: C Revocation	N/A
(85)	Section 560.309(3), F.S.	Failure to deposit payment	Fine: B	Fine: B Suspension: B	Fine: C Revocation

		instrument s into a commerca l account at a federally insured financial institution or sell payment instrument s within 5 business days after the acceptance of the payment instrument.				(87)	Section 560.309(5) , F.S.	Failure to report all suspicious activity to the office in accordance with the criteria set forth in 31 C.F.R. s. 103.20.	Fine: B	Fine: B Suspend ion: B	Fine: C Revoca tion
						(88)	Section 560.309(6) , F.S.	Failure to equip each location of a licensee where checks are eashed with a security camera system that is capable of recording and retrieving an image in order to assist in identifying and apprehendi ng an offender unless the licensee has installed a bulletproof or bullet- resistant partition or enclosure in the area where checks are eashed.	Fine: B	Fine: B Suspend ion: B	Fine: C Revoca tion
(86)	Section 560.309(4) , F.S.	Accepting or cashing multiple payment instrument s from a person who is not the original payee, unless the person is licensed to cash payment instrument s pursuant to chapter 560, part III, F.S., and all payment instrument s accepted are endorsed with the legal name of the person.	Fine: B Suspend ion: B	Fine: C Revoca tion	N/A						

(89)	Section 560.309(7), F.S.	Failure to post a notice listing the charges for cashing payment instruments.	Fine: A	Fine: B Suspension: B	Fine: C Revocation
(90)	Section 560.309(8)(a), F.S.	Charged fees, except otherwise provided by section 560.309, F.S., and exclusive of the direct costs of verification in excess of 5 percent of the face amount of the payment instrument, or \$5, whichever is greater.	Fine: A Restitution	Fine: B Restitution Suspension: B	Fine: C Restitution Revocation
(91)	Section 560.309(8)(b), F.S.	Charged fees, except otherwise provided by section 560.309, F.S., and exclusive of the direct costs of verification in excess of 3 percent of the face amount of	Fine: A Restitution	Fine: B Restitution Suspension: B	Fine: C Restitution Revocation

		the payment instrument, or \$5, whichever is greater for a payment instrument that is any kind of state public assistance or federal social security benefit payable to the bearer of the payment instrument.			
(92)	Section 560.309(8) I, F.S.	Charged fees, except otherwise provided by section 560.309, F.S., and exclusive of the direct costs of verification in excess of 10 percent of the face amount for personal checks or money orders, or \$5, whichever is greater.	Fine: C Restitution	Fine: C Restitution Suspension: C	Fine: C Restitution Revocation
(93)	Section 560.309(9), F.S.	Assessed the cost of collections, other than	Fine: A Restitution	Fine: B Restitution	Fine: C Restitution

		fees— for insufficient funds provided by— law, without judgment from— a court— of competent jurisdiction:		Suspension: B	Revocation
(94)	Section 560.309(10), F.S.	Failed— to comply with— the provisions of— section 68.065, F.S.— and failed— to comply with— the prohibitions— against harassment or— abuse, false— or misleading representations, and unfair practices in the— Fair Debt Collections Practices Act, U.S.C.— ss. 1692d, 1692d, 1962e, 1962f.	Fine: B Suspension: B	Fine: C Suspension: C	Fine: C Revocation
(95)	Section 560.310(1)(a), F.S.	Failed— to maintain customer files on all customers who— cash corporate or— third-party	Fine: B Suspension: B	Fine: C Suspension: C	Fine: C Revocation

		payment instruments exceeding \$1,000, as required by paragraph 69V-560.704(4)(d), F.A.C.			
(96)	Section 560.310(1)(b)1., F.S.	Failed— to maintain a copy of the personal identification— as used as identification— as presented by— the customer for— a payment instrument accepted having— a face— value of— \$1,000 or more.	Fine: B Suspension: B	Fine: C Suspension: C	Fine: C Revocation
(97)	Section 560.310(1)(b)2., F.S.	Failed— to maintain a thumbprint of— the customer, taken— by the licensee, for— a payment instrument accepted having— a face— value of— \$1,000 or more.	Fine: B Suspension: B	Fine: C Suspension: B	Fine: C Revocation
(98)	Section 560.310(1)I, F.S.	Failed— to maintain an electronic payment	Fine: B Suspension: B	Fine: C Suspension: B	Fine: C Revocation

		instrument log which reports aggregate payment instruments whose total cashed is greater than \$1,000.			
(99)	Section 460.404(1), F.S.	Failed to document each deferred presentment transaction in a written agreement signed by the deferred presentment provider and the drawer.	Fine: B	Fine: C Suspension: C	Fine: C Revocation
(100)	Section 560.404(2), F.S.	Each deferred presentment transaction agreement failed to be executed on the day the deferred presentment provider furnishes currency or a payment instrument to the drawer.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(101)	Section 560.404(3)(a), F.S.	Each deferred presentment	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C

		transaction agreement failed to contain the name or trade name, address, and telephone number of the deferred presentment provider and the name and title of the person who signs the agreement on behalf of the provider.			
(102)	Section 560.404(3)(b), F.S.	Each deferred presentment transaction agreement failed to contain the date the deferred presentment transaction was made.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(103)	Section 560.404(3) I, F.S.	Each deferred presentment agreement failed to contain the amount of the drawer's check.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C

(104)	Section 560.404(3)(d), F.S.	Each deferred presentment agreement failed to contain the length of the deferment period.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(105)	Section 560.404(3)I, F.S.	Each deferred presentment agreement failed to contain the last day of the deferment period.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(106)	Section 560.404(3)(f), F.S.	Each deferred presentment agreement failed to contain the address and telephone number of the office.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(107)	Section 560.404(3)(g), F.S.	Each deferred presentment agreement failed to contain a clear description of the drawer's payment obligations under the deferred presentment	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C

		transaction			
(108)	Section 560.404(3)(h), F.S.	Each deferred presentment agreement failed to contain the transaction number assigned by the office's database.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(109)	Section 560.404(4), F.S.	Failed to furnish a copy of the deferred presentment transaction agreement to the drawer.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(110)	Section 560.404(5), F.S.	Accepting a check for a deferred presentment transaction where the face amount of the check taken exceeds \$500 exclusive of the fees allowed under part IV of chapter 560, F.S.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(111)	Section 560.404(6), F.S.	Charging fees that exceed 10 percent of the	Fine: A Restitution	Fine: B Restitution Suspension: B	Fine: C Restitution Revocation

		currency of payment instrument provided for _____ a deferred presentment transaction.			
(112)	Section 560.404(7), F.S.	Collecting the fees authorized for _____ a deferred presentment transaction before the drawer's check is presented or redeemed.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(113)	Section 560.404(8), F.S.	Accepting a deferred presentment transaction for a term longer than 31 days or less than 7 days.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(114)	Section 560.404(9), F.S.	Requiring a drawer to provide additional security or guaranty for _____ a deferred presentment transaction.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(115)	Section 560.404(10)(a), F.S.	Including a hold harmless clause in a	Fine: A	Fine: B Suspension: B	Fine: C Suspension: B

		deferred presentment agreement.			
(116)	Section 560.404(10)(b), F.S.	Including a confession of judgment clause in a deferred presentment agreement.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(117)	Section 560.404(10)(j), F.S.	Including an assignment of or order for _____ a payment of wages or other compensation for services in a deferred presentment agreement.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(118)	Section 560.404(10)(d), F.S.	Including a provision in which the drawer agrees not to assert any claim or defense arising out of _____ the agreement in _____ a deferred presentment agreement.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(119)	Section 560.404(10)(i), F.S.	Including a waiver of any provision of chapter 560, part	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C

		IV, F.S., in a deferred presentment agreement.			
(120)	Section 560.404(11), F.S.	A deferred presentment provider shall immediately provide the drawer with the full amount of any check to be held, less only the fee allowed by section 560.404, F.S.	Fine: B	Fine: C Suspension: C	Fine: C Revocation
(121)	Section 560.404(12), F.S.	Holding a deferred presentment agreement or a drawer's check that is altered, the date is deleted, or fails to bear the same date for a deferred presentment transaction:	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(122)	Section 560.404(13), F.S.	Failure to ensure that each deferred presentment transaction complies	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C

		with the disclosure requirements of 12 C.F.R., part 226, relating to the federal Truth in Lending Act, and Regulation Z of the Board of Governors of the Federal Reserve Board.			
(123)	Section 560.404(14), F.S.	Accepting or holding an undated check or a check dated on a date other than the date on which the deferred presentment provider agreed to hold the check and signed the deferred presentment transaction agreement.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(124)	Section 560.404(15), F.S.	Failure to hold the drawer's check for the agreed number of days, unless the drawer chose to	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C

		redeem the check before the presentment date.			
(125)	Section 560.404(16), F.S.	Charging an additional fee for issuing or cashing a deferred presentment provider's payment instrument, if licensed under part H of chapter 560, F.S.	Fine: B Restitution	Fine: B Restitution Suspension: B	Fine: B Restitution Revocation
(126)	Section 560.404(17), F.S.	Requiring a drawer to accept a payment instrument issued by the licensee in lieu of currency in a deferred presentment transaction	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(127)	Section 560.404(18), F.S.	Engaging in the rollover of a deferred presentment agreement. Redeeming, extending, or otherwise consolidating a	Fine: B Restitution of any fees received for each subsequent rollover	Fine: B Restitution of any fees received for each subsequent rollover Suspension: B	Fine: C Restitution of any fees received for each subsequent rollover Revocation

		deferred presentment agreement with the proceeds of another deferred presentment transaction made by the same deferred presentment provider or an affiliate.			
(128)	Section 560.404(19), F.S.	Entering into a deferred presentment transaction with a drawer who has an outstanding deferred presentment transaction with that provider or with any other deferred presentment provider, or with a person whose previous deferred presentment transaction with that provider or with any	Fine: B Restitution of any fees received for each subsequent rollover	Fine: B Restitution of any fees received for each subsequent rollover Suspension: B	Fine: C Restitution of any fees received for each subsequent rollover Revocation

		other provider has been terminated for less than 24 hours.			
(129)	Section 560.404(19)(a), F.S.	Failure to verify whether the deferred presentment provider or an affiliate has an outstanding deferred presentment transaction with a particular person or has terminated a transaction with that person within the previous 24 hours.	Fine: B Restitution of any fees received for each subsequent rollover	Fine: B Restitution of any fees received for each subsequent rollover Suspension: B	Fine: C Restitution of any fees received for each subsequent rollover Revocation
(130)	Section 560.404(19)(b), F.S.	Failure to access the office's database and verify whether any other deferred presentment provider has an outstanding deferred presentment transaction with a	Fine: B Restitution of any fees received for each subsequent rollover	Fine: B Restitution of any fees received for each subsequent rollover Suspension: B	Fine: C Restitution of any fees received for each subsequent rollover Revocation

		particular person or has terminated a transaction with that person within the previous 24 hours.			
(131)	Section 560.404(20), F.S.	Failure to provide the notice defined in section 560.404(20), F.S., in a prominent place on each deferred presentment agreement in at least 14 point type in substantially the form provided by section 560.404(20), F.S., and must obtain the signature of the drawer where indicated.	Fine: A	Fine: B	Fine: C Suspension: C
(132)	Section 560.404(21), F.S.	Presenting a drawer's check if the drawer informs the provider in person that the drawer cannot	Fine: A Restitution	Fine: B Restitution Suspension: B	Fine: C Restitution Revocation

		redeem or pay in full in cash the amount due and owing the deferred presentment provider or charging an additional fee or penalty by virtue of any misrepresentation made by the drawer as to the sufficiency of funds in the drawer's account.			
(133)	Section 560.404(22), F.S.	Failure to provide a grace period extending the term of an agreement for an additional 60 days after the original termination date, without any additional charge if by the end of the deferment period, the drawer informs the	Fine: B Restitution	Fine: C Restitution Suspension: C	Fine: C Restitution Revocation

		deferred presentment provider in person that the drawer cannot redeem or pay in full in cash the amount due and owing.			
(134)	Section 560.404(22)(a), F.S.	Failure to comply with and adhere to, including depositing the drawer's check before the end of the 60 day grace period, a repayment plan that a drawer agrees to comply with and adhere to, which was approved by a credit counseling agency. Discouraging a drawer from using the 60 day grace period.	Fine: B Restitution	Fine: C Restitution Suspension: C	Fine: C Restitution Revocation
(135)	Section 560.404(22)(b)1., F.S.	Failure to provide verbal notice of the	Fine: A	Fine: B	Fine: C Suspension: C

		availability of the 60-day grace period consistent with the written notice in section 560.404(20), F.S.			
(136)	Section 560.404(22)(b)2., F.S.	Failure to provide a drawer a list of approved consumer credit counseling agencies prepared by the office.	Fine: A	Fine: B	Fine: C Suspension: C
(137)	Section 560.404(22)(b)3., F.S.	Failure to provide a drawer the written notice in section 560.404(22)(b)3., F.S., in at least 14-point type in substantially the form in the section detailing the drawer's rights under the 60-day grace period.	Fine: A	Fine: B	Fine: C Suspension: C
(138)	Section 560.404(22)I, F.S.	Failure to pay one-half of the drawer's	Fine: A	Fine: B	Fine: C Suspension: C

		fee for a deferred presentment agreement to the consumer credit counseling agency if a drawer completes an approved payment plan.			
(139)	Section 560.404(23), F.S.	Failure to submit data, including but not limited to the drawer's name, social security number or employment authorization alien number, address, driver's license number, amount of the transaction, date of transaction, the date that the transaction is closed, and such additional information as is required by	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C

		rule before entering into each deferred presentment transaction in order to verify whether any deferred presentment transactions are outstanding for a particular person.			
(140)	Section 560.404(24), F.S.	Accepting more than one check or authorization to initiate more than one automated clearinghouse use transaction to collect on a deferred presentment transaction for a single deferred presentment transaction.	Fine: A	Fine: B	Fine: C Suspension: C
(141)	Section 560.405(1), F.S.	Presenting a drawer's check before the end of the deferment	Fine: A	Fine: B	Fine: C Suspension: C

		period, as reflected in the deferred presentment transaction agreement.			
(142)	Section 560.405(2), F.S.	Failure to endorse a drawer's check with the name under which the deferred presentment provider is doing business before the deferred presentment provider presents the drawer's check.	Fine: A	Fine: B	Fine: C Suspension: C
(143)	Section 560.405(3), F.S.	Failure to return a drawer's check, upon redemption, and provide a signed, dated receipt showing that the drawer's check has been redeemed.	Fine: A	Fine: B	Fine: C Suspension: C
(144)	Section 560.406(1), F.S.	Sending or collecting on collection notices containing	Fine: A	Fine: B Suspension: B	Fine: C Revocation

		references to treble damages and criminal prosecution used for the collection of worthless checks in a deferred presentment transaction			
(145)	Section 560.406(2), F.S.	Failure to comply with the prohibitions against harassment or abuse, false or misleading representations, and unfair practices that are contained in the Fair Debt Collections Practices Act, 15 U.S.C. ss. 1692d, 1692e, 1692f.	Fine: B Suspension: B	Fine: C Suspension: B	Fine: C Revocation
(146)	Section 560.406(3), F.S.	Assessing the cost of collection, other than charges for insufficient funds as allowed by law, without a	Fine: A Restitution	Fine: B Restitution Suspension: B	Fine: C Restitution Revocation

		judgment from a court of competent jurisdiction for a deferred presentment transaction			
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(147) In accordance with this rule:

(a) Depending on the severity and repetition of specific violations, the Office may impose an administrative fine, suspension of a license, or revocation of a license or any combination thereof;

(b) The Office may impose a cease and desist order in conjunction with and in addition to any of the designated sanctions set forth in this rule when appropriate under the circumstances;

I Notwithstanding this rule, the Office may, when appropriate, enter orders of removal or prohibition or orders denying applications, and may seek the entry of an injunction and appointment of a receiver by a court of competent jurisdiction; and,

(d) The Office will consider the licensee's disciplinary history for the past five years in determining an appropriate penalty, and may impose a more severe penalty when the disciplinary history includes past violations.

(148) In accordance with sections 560.1141(2), (3), F.S., the Office shall consider the following circumstances in determining an appropriate penalty within the range of penalties prescribed in this rule for each violation as based upon the citation number. The Office also shall consider these circumstances in determining a penalty that deviates from the range of penalties prescribed for each violation and citation number as a result of such circumstances:

(a) Whether the violation rate is less than 5% when compared to the overall sample size reviewed;

(b) The degree of harm to the customers or the public;

I The disciplinary history of the licensee;

(d) Whether the licensee detected and voluntarily instituted corrective responses or measures to avoid the recurrence of a violation prior to detection and intervention by the Office;

I Whether the licensee's violation was the result of willful misconduct or recklessness;

(f) Whether at the time of the violation, the licensee had developed and implemented reasonable supervisory, operational or technical procedures, or controls to avoid the violation;

~~(g) Where the violation is attributable to an individual officer, director, responsible person, or authorized vendor, whether the licensee removed or otherwise disciplined the individual prior to detection and intervention by the Office;~~

~~(h) Whether the licensee attempted to conceal the violation or mislead or deceive the Office;~~

~~(i) The length of time over which the licensee engaged in the violations;~~

~~(j) Whether the licensee engaged in numerous violations or a pattern of misconduct;~~

~~(k) The number, size and character of the transactions in question;~~

~~(l) Whether the licensee provided substantial assistance to the Office in its examination or investigation of the underlying misconduct;~~

~~(m) Other relevant, case specific circumstances.~~

~~(149) The list of violations cited in this rule is intended to be comprehensive, but the omission of a violation from the list does not preclude the Office from taking any action authorized by section 560.114, F.S.~~

~~(150) The ranges for administrative fines imposed by this rule are \$1,000—\$3,500 for an “A” level fine; \$3,500—\$7,500 for a “B” level fine; and \$7,500—\$10,000 for a “C” level fine.~~

~~(151) The ranges for suspensions imposed by this rule are 3 to 10 days for an “A” level suspension; 10 to 20 days for a “B” level suspension; and 20 to 30 days for a “C” level suspension.~~

~~Rulemaking Authority 560.105, 560.1141 FS. Law Implemented 560.109, 560.1092, 560.1105, 560.111, 560.114, 560.1141, 560.118, 560.123, 560.1235, 560.125, 560.126, 560.128, 560.204, 560.208, 560.2085, 560.209, 560.210, 560.211, 560.213, 560.303, 560.309, 560.310, 560.403, 560.404, 560.405, 560.406 FS. History—New 6-7-09, Amended _____.~~

69V-560.1012 Adoption of Forms.

(1) The following forms are incorporated by reference and readopted by this rule for the purposes of rules 69V-560.102-.913, F.A.C.:

(a) Application for Licensure as a Money Services Business, Form OFR-560-01, effective January 2, 2014 ~~10-18-09~~, amended January 2, 2014 ~~1-2-14~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01231>.

(b) Location Notification Form, Form OFR-560-02, effective January 13, 2009 ~~1-13-09~~.

(c) Declaration of Intent to Engage in Deferred Presentment Transactions, Form OFR-560-03, effective January 13, 2009 ~~1-13-09~~.

(d) Money Services Business Quarterly Report Form, Form OFR-560-04, effective January 13, 2009 ~~1-13-09~~.

(e) Pledge Agreement, Form OFR-560-05, effective January 13, 2009 ~~1-13-09~~.

(f) Money Services Business Surety Bond Form, Form OFR-560-06, effective January 13, 2009 ~~1-13-09~~.

(g) Security Device Calculation Form, Form OFR-560-07, effective October 18, 2009 ~~10-18-09~~.

(h) Request for Exemption from Electronic Filing Requirements, Form OFR-560-08, effective March 16, 2011 ~~3/16/2011~~,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-00145>.

(i) Currency Transaction Report, FinCEN Form 112 ~~404~~, effective February 15, 2018 ~~1-13-09~~.

(j) Suspicious Activity Report by Money Services Business, FinCEN Form 111 ~~409~~, effective June 22, 2018 ~~1-13-09~~.

(k) Report of International Transportation of Currency or Monetary Instruments, FinCEN Form 105, effective July 2017 ~~1-13-09~~.

(2) All forms adopted by this rule are available on the Office’s website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376.

Rulemaking Authority 215.405, 560.105, 560.118, 560.126, 560.141, 560.2085, 560.209, 560.403 FS. Law Implemented 560.118, 560.126, 560.140, 560.141, 560.205, 560.2085, 560.209, 560.403, 943.053 FS. History—New 1-13-09, Amended 10-18-09, 3-16-11, 5-29-12, 1-2-14, Amended _____.

69V-560.1013 Electronic Filing of Forms and Fees.

(1) No change..

(2) All forms adopted under paragraphs 69V-560.1012(1)(a) through (1)(d) and (1)(g), F.A.C., must be filed electronically with the Office through the REAL system.

(3) No change..

(4) Any person may request an exemption from the electronic filing requirements of this rule due to a technological or financial hardship by submitting Form OFR-560-08, Request for Exemption from Electronic Filing Requirements, to: Office of Financial Regulation, Division of Consumer Finance, Bureau of Registration Regulatory Review, 200 E. Gaines Street, Tallahassee, Florida 32399-0351. The Office of Financial Regulation will provide any person granted an exemption under this subsection with instructions on how to file forms and fees in paper format. Form OFR-560-08 is incorporated by reference in rule 69V-560.1012, F.A.C.

Rulemaking Authority 560.105 FS. Law Implemented 560.105, 560.118, 560.141, 560.1401, 560.142, 560.143, 560.208, 560.2085, 560.205, 560.209 FS. History—New 1-13-09, Amended 3-16-11, Amended _____.

69V-560.102 Application or Appointment Procedures and Requirements.

(1) Applications for money service business licenses must be made in accordance with the provisions of sections

~~560.1401~~ ~~560.140~~, 560.141, and 560.143, F.S. Further, application for a money services business license involving payment instrument sales or money transmission must also comply with section 560.205, F.S. The application form for applying hereunder is Application for Licensure as a Money Services Business, OFR-560-01, which is incorporated by reference in rule 69V-560.1012, F.A.C.

(2) ~~Except for applicants that are publicly traded,~~ ~~Each~~ person listed in question 5G of the Application for Licensure as a Money Services Business, OFR-560-01, must submit fingerprints through a live-scan vendor approved by the Florida Department of Law Enforcement. A list of approved vendors is published on the Florida Department of Law Enforcement's website at <http://www.fdle.state.fl.us/Criminal-History-Records/Registered-LiveScan-Submitters> ~~www.fdle.state.fl.us~~(~~http://www.fdle.state.fl.us/Content/getde~~ ~~e/941d4e90-131a-45ef-8af3-3e9d4efefd8e/Livescan-Service-Providers-and-Device-Vendors.aspx~~). Such fingerprints will be submitted to the Florida Department of Law Enforcement for a state criminal background check and the Federal Bureau of Investigation for a Federal criminal background check. The cost of the fingerprinting process shall be borne by the applicant and paid directly to the live-scan vendor.

(3) Request for Additional Information. Any request for additional information will be made by the Office within thirty (30) days after receipt of the application. The additional information must be received by the Office within forty-five (45) days from the date of the request. For good cause shown, the Office may grant a request for an additional forty-five (45) days to submit the additional information. The Office will not grant a request after the original forty-five (45) day deadline has passed. Failure to timely provide all additional information shall within forty-five (45) days from the date of the request will result in the application being deemed abandoned, which will result in the application being removed from further consideration by the Office and closed. Office denying the application.

(4) Withdrawal of Application. An application may be withdrawn if the applicant submits a request through the REAL system (<https://real.flofr.com/>) ~~for same~~ before the application is approved or denied.

(5) Amendments to Pending Applications. If the information contained in any application form for licensure as a money services business, or in any amendment thereto, becomes inaccurate for any reason, the applicant shall promptly file an amendment correcting such information ~~within thirty (30) days of the change~~ on Form OFR-560-01, which is incorporated by reference in rule 69V-560.1012, F.A.C. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office. Otherwise, the

application may be amended only with prior written permission from the Office. The Office will grant permission to amend the application, unless the amendment constitutes a material change to the application. Requests to make changes which are material to the application will be deemed by the Office to be grounds for denial, and a new application, accompanied by the appropriate filing fee, will be required. Material changes include:

(a) through (e) No change..

Rulemaking Authority 215.405, 560.105, 560.118, 560.209, 560.403 FS. Law Implemented 215.405, 560.118, ~~560.140~~, 560.1401, 560.141, 560.143, 560.1235, 560.204, 560.205, 560.209, 560.303, ~~560.307~~, 560.403, 943.053 FS. History—New 9-24-97, Amended 11-4-01, 12-11-03, Formerly 3C-560.102, Amended 7-15-07, 6-17-08, 12-25-08, 1-13-09, 1-2-14, Amended _____.

69V-560.103 Definitions.

For the purposes of this chapter, the following definitions shall apply:

~~(1) "Financial Statements" shall be defined as those reports, schedules and statements, prepared in accordance with United States Generally Accepted Accounting Principles.~~

~~(1)(2)~~ "FinCEN" means the Financial Crimes Enforcement Network of the United States Treasury Department.

~~(2)(3)~~ "Holiday" means such days as are designated by section 110.117, F.S.

~~(3)(4)~~ "Quarter" and "quarterly" mean March 31, June 30, September 30, and December 31 of each calendar year.

(4) "Check cashing database" means the statewide, real time, online check cashing database required by section 560.310(4), F.S.

(5) "Deferred presentment database" means the deferred presentment transaction database required by section 560.404(23), F.S., also known as the "FLADPP."

(6) The term "check cashing database vendor" means the vendor which is contracted by the Office for the purpose of administering, operating and maintaining the check cashing database.

(7) The term "deferred presentment database vendor" means the vendor which is contracted by the Office for the purpose of administering, operating and maintaining the deferred presentment database.

Rulemaking Authority 560.105 FS. Law Implemented 560.103, 560.118, ~~560.1235~~, ~~560.140~~, ~~560.141~~, ~~560.205~~ ~~560.309~~, 560.310, 560.404 FS. History—New 9-24-97, Amended 11-4-01, Formerly 3C-560.103, Amended 9-14-04, 7-15-07, 1-13-09, _____.

69V-560.107 Application for Branch Office Registration ~~of Locations~~ and Appointment of Authorized Vendors.

(1) Every licensee that commences operations at branch offices ~~locations other than the main office~~ or through authorized vendors in this state shall:

(a) File a completed Form OFR-560-02 (Location Notification Form) for each branch office or authorized vendor, ~~location, which must be received by the Office within sixty (60) calendar days from the date that a location opens or an authorized vendor commences operations on behalf of the licensee;~~

(b) Submit the non-refundable fee for each branch office or authorized vendor appointment fee as prescribed in section 560.143, F.S.

(2) Every licensee shall be responsible for promptly filing a completed Form OFR-560-02 to terminate a branch office or authorized vendor, ~~within sixty (60) calendar days from the date that a location closes or authorized vendor either ceases operation or has its authority to act on the licensee's behalf terminated by such licensee.~~

Pursuant to section 560.2085, F.S., a licensee must file Form-560-02 and the applicable fee within sixty (60) days of the authorized vendor commencing operations. This requirement also applies to authorized vendors who are terminated within the sixty (60) days. ~~For purposes of this section the sixty (60) day period referenced in subsections (1) and (2), above, is solely for the filing of the required form and payment of the required nonrefundable fee. A licensee must file Form OFR 560-02 and pay the required fee for all locations of the licensee and authorized vendors that commence operations on behalf of the licensee. If the licensee for any reason closes a location or terminates the relationship with such authorized vendor within the first sixty (60) days, it will not relieve the licensee of the obligation to comply with the provisions of this subsection.~~ Form OFR-560-02 is incorporated by reference in rule 69V-560.1012, F.A.C.

Rulemaking Authority 560.105, 560.141, 560.2085 FS. Law Implemented 560.141, 560.208, 560.2085 FS. History—New 11-4-01, Formerly 3C-560.107, Amended 7-15-07, 1-13-09, _____.

69V-560.201 Amendments, Change of Name, Change of Entity and Change in Control or Ownership Requirements.

(1) Written notices required under section 560.126(1)(a) through (g), F.S., shall be sent by registered mail to: Office of Financial Regulation, Division of Consumer Finance, 200 East Gaines Street, Tallahassee, Fl. 32399-0376.

(2) Each person licensed under chapter 560, F.S., that proposes to change the information contained in any initial application form or any amendment thereto, must file an amendment pursuant to section 560.126, F.S., not later than thirty (30) days after the effective date of the change by submitting an Application for Licensure as Money Services

Business, Form OFR-560-01, through the Office's REAL System in accordance with 69V-560.1013, F.A.C.

(3) Each person licensed under chapter 560, F.S., that proposes to change any personnel listed in question 5G of Form OFR-560-01 that does not result in a change of controlling interest in the licensee, shall file an amendment not later than thirty (30) days prior to the effective date of the change or within two (2) business days after the date the licensee first received notice of the change. Persons not currently on file with the Office that have not complied with section 560.141(1)(c), F.S., must comply with the fingerprinting requirements contained therein.

(4)(4) Where a person or group of persons directly or indirectly or acting by or through one or more persons, proposes to acquire a controlling interest in a money services business licensee, such person or group shall file with the Office, no later than thirty (30) days prior to the date of such acquisition, a new application pursuant to rule 69V-560.102, F.A.C., together with all required exhibits and fees. Additionally, the applicant shall file with the Office, at the time the new application is filed, a notice of termination of licensure of the acquired entity on Form OFR-560-01, effective upon disposition of the new application by the Office. Form OFR 560-01 is incorporated by reference in rule 69V-560.1012, F.A.C.

(5)(2) A licensee required to file a new application as a result of an acquisition of a controlling interest pursuant to section 560.126(2), F.S., must also file new location forms (Form OFR-560-02) and applicable fees up to a maximum of \$20,000 for all existing locations on file with the Office at the time of filing the new application in subsection (1) and a Declaration of Intent to Engage in Deferred Presentment Transactions (Form OFR-560-03) and applicable fee if currently engaged in deferred presentment transactions. Forms OFR-560-02 and OFR 560-03 are incorporated by reference in rule 69V-560.1012, F.A.C.

(6)(3) The Office shall waive the requirement for a licensee to file a new application pursuant to section 560.126(2), F.S.:

(a) When a person or group of persons proposing to purchase or acquire a controlling interest in a licensee has previously complied with the applicable provisions of section sections 560.140 and 560.141, F.S., concerning a money services business currently licensed with the Office, provided that such person is currently affiliated with the money services business; or

(b) When the acquirer is currently licensed with the Office as a money services business.

(7) Forms OFR-560-01 and OFR-560-02 are incorporated by reference in rule 69V-560.1012, F.A.C.

Rulemaking Authority 215.405, 560.105, 560.126 FS. Law Implemented 215.405, 560.126, 560.127, 560.143, 560.204,

560.303(4) FS. History–New 9-24-97, Amended 11-4-01, 12-11-03, Formerly 3C-560.201, Amended 7-15-07, 1-13-09, _____.

69V-560.302 Renewal Fees, Deadlines, and Requirements.

(1) Chapter 560, F.S., licenses must be renewed in accordance with the provisions of section 560.142, F.S.

(2) ~~If the Office does not receive the renewal fees required in section 560.143(2), F.S., on or before the license expiration date, the license shall revert from active to inactive status. The inactive license may be reinstated within sixty (60) days after becoming inactive upon submission of the required renewal fees including late renewal fees required in section 560.143(3), F.S. A license that is not reinstated within sixty (60) days after becoming inactive automatically expires and a new application must be filed with the Office pursuant to chapter 560, F.S. For purposes of this rule, the fingerprint retention fees required in section 560.143(2)(g), F.S., are Licensees initially approved on or after October 1, 2013, shall submit a nonrefundable fee of \$12.00 for each person currently listed in the records of the Office in question 5G of the Application for Licensure as a Money Services Business, OFR-560-01, which is incorporated by reference in rule 69V-560.1012, F.A.C., to cover the costs of fingerprint retention. Failure to remit renewal fees as prescribed in section 560.141(2), F.S., and fingerprint retention fees as required in this paragraph by the license expiration date will automatically result in the license becoming expired. An expired license may be reinstated within 60 days following expiration pursuant to section 560.142, F.S.~~

(3)(a) All fees required to be filed under this rule shall be filed electronically through the Office’s REAL System at www.flofr.com. Any person may request an exemption from the electronic filing requirements of this rule due to a technological or financial hardship by submitting Form OFR-560-08, Request for Exemption from Electronic Filing Requirements, to: Office of Financial Regulation, Division of Consumer Finance, Bureau of Registration, 200 East Gaines Street, Tallahassee, FL 32399-0376. The Office will provide any person granted an exemption from the electronic filing requirement with instructions on how to file the renewal fees in paper format. Form OFR-560-08 is incorporated by reference in rule 69V-560.1012, F.S. Licensees initially approved before October 1, 2013, shall submit fingerprints for each person currently listed in the records of the Office in question 5G of the Application for Licensure as a Money Services Business, OFR 560 01, for live scan processing pursuant to section 560.141(1)(e)7., F.S. Such fingerprints must be submitted before renewing a license that is scheduled to expire between April 30, 2014, and December 31, 2015. The Office shall screen the background results to determine if the licensee meets licensure requirements. Any request for additional

~~information must be received by the Office within forty five (45) days from the date of the request. For purposes of this paragraph, each of the applicant’s control persons required to submit fingerprints shall submit such fingerprints to a live-scan vendor approved by the Florida Department of Law Enforcement and published on the Florida Department of Law Enforcement’s _____ website (<http://www.fdle.state.fl.us/Content/getdoc/941d4e90-131a-45ef-8af3-3e9d4efefd8e/Livescan-Service-Providers-and-Device-Vendors.aspx>) for submission to the Florida Department of Law Enforcement and the Federal Bureau of Investigation for a state criminal background check and a Federal criminal background check. The cost of the fingerprinting process shall be borne by the applicant and paid directly to the live scan vendor.~~

~~(b) Licenses renewed pursuant to paragraph (a), shall submit a nonrefundable fee of \$12.00 for each person currently listed in the records of the Office in question 5G of the Application for Licensure as a Money Services Business, OFR-560-01, to cover the costs of fingerprint retention. This requirement applies to licensees renewing licenses that expire on or after April 1, 2016 that were approved before October 1, 2013. Failure to remit renewal fees as prescribed in section 560.141(4), F.S., and fingerprint retention fees as required in this paragraph by the license expiration date will automatically result in the license becoming expired. An expired license may be reinstated within 60 days following expiration pursuant to section 560.142, F.S.~~

(4) No change..

Rulemaking Authority 560.105, 560.142, 560.143 FS. Law Implemented 560.142, 560.403, 560.141, 560.143 FS. History–New 9-24-97, Amended 12-30-98, 11-4-01, Formerly 3C-560.302, Amended 7-15-07, 1-13-09, 1-2-14, _____.

69V-560.504 Reimbursement Rates for Examinations Conducted by the Office.

(1) No change..

(2) Fees for examiner time shall be calculated at the rate of \$25 per hour for each classification listed below: Fees for examiner time shall be calculated based on the direct compensation of the examiner conducting the examination. Rates will be assessed by examiner classification and shall be charged at the following rates:

(a) Financial Examiner/Analyst I	\$28
(b) Financial Examiner Analyst II	\$30
(c) Financial Specialist	\$34
(d) Financial Control Analyst	\$35
(e) Financial Examiner Analyst Supervisor	\$37
(f) Area Financial Manager and above	\$42

(3) No change..

(4) No change..

(5) The Office will invoice licensees for the costs of the examination and licensees will have thirty (30) days from the date of the invoice to remit payment for invoiced expenses to the Office.

Rulemaking Authority 560.105, 560.1091, 560.1092 FS. Law Implemented 560.1091, 560.1092, 560.109 FS. History—New 1-13-09, Amended _____.

69V-560.602 Quarterly Reports.

(1) Every money services business licensed pursuant to chapter 560, F.S., shall submit an accurate quarterly report to the Office by filing a completed Form OFR-560-04, Money Services Business Quarterly Report Form, electronically through the Office's REAL System at www.flofr.com ~~which is incorporated by reference in rule 69V 560.1012, F.A.C.~~ A completed quarterly report form shall be received by the Office no later than forty-five (45) days after the conclusion of each quarter. Should the forty-fifth day fall on a Saturday, Sunday or holiday, the reports must be received by the Office no later than the next business day. Form OFR-560-04 is incorporated by reference in rule 69V-560.1012, F.A.C. ~~A report is "past due" if it is received by the Office one or more days beyond the period set forth in this rule.~~

(2) Any person may request an exemption from the electronic filing requirements of this rule due to a technological or financial hardship by submitting Form OFR-560-08, Request for Exemption from Electronic Filing Requirements, to: Office of Financial Regulation, Division of Consumer Finance, Bureau of Registration, 200 East Gaines Street, Tallahassee, FL 32399-0376. The Office will provide any person granted an exemption from the electronic filing requirement with instructions on how to file the form in paper format. Form OFR-560-08 is incorporated by reference in rule 69V-560.1012, F.S. Rulemaking Authority 560.105, 560.118 FS. Law Implemented 560.118(2) FS. History—New 9-24-97, Amended 12-30-98, 11-4-01, Formerly 3C-560.602, Amended 7-15-07, 1-13-09, _____.

69V-560.606 Annual Filing of Financial Audit Reports by Part II Licensees.

(1) through (3) No change..

(4) For purposes of adding new locations or authorized vendors, a Part II licensee may rely upon its annual financial audit reports that were received by the Office in a timely manner as required in subsections (1) and (2) of this rule. The Office reserves the right to require additional documentation up to and including the submission of interim financial audit reports ~~financial statements~~ to substantiate the licensee's net worth.

(5) Financial audit reports must be submitted through the Office's REAL System at www.flofr.com. Any person may request an exemption from the electronic filing requirements of this rule due to a technological or financial hardship by

submitting Form OFR-560-08, Request for Exemption from Electronic Filing Requirements, to: Office of Financial Regulation, Division of Consumer Finance, Bureau of Registration, 200 East Gaines Street, Tallahassee, FL 32399-0376. The Office will provide any person granted an exemption from the electronic filing requirement with instructions on how to file the financial audit report in paper format. Form OFR-560-08 is incorporated by reference in rule 69V-560.1012, F.S. Rulemaking Authority 560.105, 560.118; ~~560.205~~ FS. Law Implemented 560.118; ~~560.205~~ FS. History—New 11-4-01, Formerly 3C-560.606, Amended 7-15-07, 1-13-09, _____.

69V-560.608 Currency Transaction Report Filings.

Currency Transaction Reports, required by section 560.123, F.S., must be filed with FinCEN using FinCEN Form 112 404, which is incorporated by reference in rule 69V-560.1012, F.A.C. Reports filed in this manner shall be deemed to have also been filed with the Office.

Rulemaking Authority 560.105, 560.123 FS. Law Implemented 560.123, 560.1235 FS. History—New 1-13-09, Amended _____.

69V-560.609 Suspicious Activity Report Filings.

(1) Pursuant to section 560.1235(1), F.S., licensees and authorized vendors must comply with all state and federal laws and rules relating to the detection and prevention of money laundering, including, as applicable, 31 C.F.R. s. 1022.320, effective November 4, 2016 ~~31 C.F.R. s. 103.20 (2007)~~, relating to reports by money services businesses of suspicious transactions. For purposes of section 560.1235(1), F.S., the federal law requirement to report suspicious transactions applies to the following money services businesses: payment instrument sellers that sell money orders or traveler's checks, money transmitters, and foreign currency exchangers. These entities are required to report suspicious transactions to FinCEN using FinCEN Form 111 409, Suspicious Activity Report by Money Service Business, and failure to do so is a violation of section 560.1235, F.S.

(2) Under federal law, check cashers may, but are not required to, file reports of suspicious transactions; however, pursuant to section 560.309(5), F.S., check cashers are required to report suspicious activity to the office or an appropriate regulator based on the criteria set forth in 31 C.F.R. s. 1022.320, effective 11/4/2016 ~~31 C.F.R. 103.20 (2007)~~. The Commission designates FinCEN as the appropriate regulator to receive such reports, which shall be submitted to FinCEN on FinCEN Form 111 409, Suspicious Activity Report by Money Service Business. Suspicious Activity Reports filed with FinCEN shall be deemed to have also been filed with the Office. Failure of a check casher to report suspicious activity to FinCEN is a violation of section 560.309(5), F.S.

(3) FinCEN Form ~~111 409~~, Suspicious Activity Report by Money Service Business is incorporated by reference in rule 69V-560.1012, F.A.C. Federal regulation 31 C.F.R. s. 1022.320, effective November 4, 2016 ~~31 C.F.R. 103.20 (2007)~~ is hereby incorporated by reference and available at www.ecfr.gov on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376.

(4) Check cashing transactions involving corporate payment instruments that exceed the check cashing limits established pursuant to rule 69V-560.704(4)(d)7., F.A.C. are deemed suspicious and require the check casher to file a suspicious activity report pursuant to this rule for each transaction.

Rulemaking Authority 560.105, 560.123, 560.309 FS. Law Implemented 560.123, 560.1235, 560.309 FS. History—New 1-13-09, Amended _____.

69V-560.702 Payment Instrument Sellers.

(1) No change.

(a) through (c) No change.

(2) For all transactions that exceed \$3,000, the payment instrument seller shall also obtain and record the information required by 31 C.F.R. ss. 1010.415 403.29 (a)(2), effective March 1, 2011 as it existed on September 4, 2008. For purposes of this section multiple payment instruments purchased in one or more transactions on a single day shall be aggregated.

(3) No change.

(4) No change.

(a) through (b) No change.

(c) Office of Foreign Asset Control regulations: 31 C.F.R. Part 500; 31 C.F.R. s. 594.201; 31 C.F.R. s. 594.204; 31 C.F.R. s. 501.603; and 31 C.F.R. s. 501.604, effective March 1, 2011 as these regulations existed on as it existed on September 4, 2008.

(d) Gramm-Leach-Bliley Act regarding protection of personal information: 15 U.S.C. ss. 6801 effective July 21, 2010, 6802 effective July 21, 2010, and 6803 effective December 4, 2015 (Thomson Reuter/West 2008) (current through P.L. 110-316) (excluding P.L. 110-234, 110-246, and 110-315).

(e) No change.

(5) No change.

(6) Subpoenas, warrants, and other requests from regulatory, law enforcement, or prosecutorial agencies and records relating to training as required by 31 C.F.R. s. 1022.210, effective July 29, 2011 403.125, as it existed on September 4, 2008, shall be maintained so that they are retrievable as required by section 560.1105(1), F.S.

(7) No change.

(8) All federal laws and regulations referenced in this rule are hereby incorporated by reference and available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376.

Rulemaking Authority 560.105, 560.2085 FS. Law Implemented 560.1105(4), 560.1235, 560.2085, 560.211 FS. History—New 9-24-97, Formerly 3C-560.702, Amended 1-13-09, _____.

69V-560.703 Money Transmitters.

(1) A money transmitter shall maintain records of the following information for all inbound and outbound transmissions, which must be obtained for each money transmission less than \$3,000, regardless of the amount:

(a) The name ~~and address~~ of the sender;

(b) No change.

(c) No change.

~~(d) The name and address of the beneficiary or recipient;~~

~~(d)(e)~~ Any instructions or messages relating to the transmission;

~~(f) The method of payment (e.g., currency, check, credit card, etc.);~~

~~(e)(g)~~ Transaction date;

~~(h) Time of the transaction;~~

~~(f)(i)~~ Transaction amount in U.S. Dollars;

~~(j) Fees charged;~~

~~(g)(j)~~ Authorized vendor name; and,

~~(h)(k)~~ Authorized vendor/foreign affiliate code/identifier as assigned by the licensee.

(2) For each all money transmission in the amount of transactions that exceed \$3,000 or more, compliance with the record keeping requirements contained within 31 C.F.R. Part 1010, Subpart D will satisfy the record keeping requirements of chapter 560, F.S. For purposes of compliance with 31 C.F.R. 1010, a money transmitter is also subject to the additional record keeping requirements for "other than established customers". ~~the money transmitter shall, in addition to the items in subsection (1), obtain and record:~~

~~(a) Social security number, passport number, or alien registration of the sender;~~

~~(b) Name and account number of recipient's financial institution, if applicable; and,~~

~~(c) Sender's photo identification number, type, and state/country of issuance.~~

(3) No change.

(4) No change.

(a) through (b) No change.

(c) Office of Foreign Asset Control regulations: 31 C.F.R. Part 500; 31 C.F.R. s. 594.201; 31 C.F.R. s. 594.204; 31 C.F.R. s. 501.603; and 31 C.F.R. s. 501.604, effective March 1, 2011 as these regulations existed on September 4, 2008.

(d) Gramm-Leach-Bliley Act regarding protection of personal information: 15 U.S.C. ss. 6801, effective July 21, 2010, 6802, effective July 21, 2010, and 6803, effective December 4, 2015 (Thomson Reuter/West 2008) (current through P.L. 110-316) (excluding P.L. 110-234, 110-246, and 110-315).

(e) Sections 817.568 and 501.171 ~~817.568~~, F.S., regarding fraudulent use of personal information and breaches of information security.

(5) No change.

(6) Subpoenas, warrants and other requests from regulatory, law enforcement, and prosecutorial agencies, and records related to training as required by 31 C.F.R. s. 1022.210, effective July 29, 2011 ~~103.125~~, as it existed on September 4, 2008, and shall be maintained so that they are retrievable as required by section 560.1105(1), F.S.

(7) No change.

(8) All federal laws and regulations referenced in this rule are hereby incorporated by reference and available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376.

Rulemaking Authority 560.105, 560.1105, 560.2085, 560.211 FS. Law Implemented 560.1105(~~4~~), 560.1235, 560.211 FS. History--New 9-24-97, Formerly 3C-560.703, Amended 1-13-09, _____.

69V-560.704 Records to Be Maintained by Check Cashers.

(1) For purposes of this rule the term:

(a) ~~“Corporate payment instrument,” as referenced in section 560.310(2)(a), F.S., means a payment instrument on which the payee named on the face of the payment instrument is not a natural person.~~

~~(a)(b)~~ “Dormant customer” shall include any customer who has not transacted business with the licensee within the past one hundred eighty (180) days.

~~(b)(c)~~ The phrase “its own commercial account” as referenced in section 560.309(3), F.S., means a depository account in a federally insured financial institution listing the licensee as the an exclusive owner of the account. The authorized signatories must have a controlling interest as described in section 560.127, F.S. A licensee may not grant, through power of attorney, written agreement, or any other means, another person access to its own commercial account to withdraw, withhold, or deposit money.

(2) No change.

(a) A copy of all payment instruments accepted and endorsed by the licensee to include the face and reverse (front and back) of the payment instrument. Copies shall be made after each payment instrument has been endorsed with the legal name of the licensee. ~~Endorsements on all payment instruments~~

~~accepted by the check-casher shall be made at the time of acceptance.~~

(b) through (c) No change.

(3) No change.

(a) through (c) No change.

(4) No change.

(a) through (c) No change.

(d) Create and maintain a customer file for each entity listed as the payee on corporate payment instruments ~~and third party payment instruments~~ accepted by the licensee. Each customer file must include, at a minimum, the following information:

1. through 4. No change.

5. If the entity has an active workers' compensation policy, the licensee must also maintain a copy of the policy declaration page or other document provided by the insurer indicating the amount of coverage.

6. Documentation of individuals authorized to negotiate payment instruments on the corporation or fictitious entity's behalf including corporate resolutions or powers of attorney. Payment instruments for insurance claims where there are multiple payees shall be exempt from this provision provided that the maker of the check is an insurance company and the licensee has obtained and retained documentation as to the identity of the natural person listed as a payee on such payment instrument. For purposes of this rule, the term “individuals authorized” is limited to an officer of the corporate payee named on the instrument's face.

7. A written corporate customer profile which includes: the full legal name of each beneficial owner, as defined in 31 C.F.R. s. 1010.230(d), of the corporate customer; an explanation of the customer's business model; type(s) of services offered; projected annual volume of check cashing; and daily check cashing limits as they relate to the corporate customer's workers' compensation policy coverage limits.

(e) All check cashers shall review and update all active customer files at least annually. The required review and update shall be attested to by the compliance officer or their designee, and such documentation shall be maintained within each customer's file. For purposes of this rule it shall not be necessary to update dormant customer files. Should a customer previously identified as being dormant, resume transacting business with the licensee, the customer file information shall be updated before accepting any payment instrument.

~~(5)(a) In addition to the records required in subsections (2) and (3), for payment instruments \$1,000.00 or more, the check-casher shall create and maintain an electronic log of payment instruments accepted which includes, at a minimum, the following information:~~

~~1. Transaction date;~~

2. Payor name;
3. Payee name;
4. Conductor name, if other than the payee;
5. Amount of payment instrument;
6. Amount of currency provided;
7. Type of payment instrument;
 - a. Personal check;
 - b. Payroll check;
 - c. Government check;
 - d. Corporate check;
 - e. Third party check; or
 - f. Other payment instrument;
8. Fee charged for the cashing of the payment instrument;
9. Branch/Location where instrument was accepted;
10. Identification type presented by conductor; and,
11. Identification number presented by conductor.

(b) ~~Electronic logs shall be maintained in an electronic format that is readily retrievable and capable of being exported to most widely available software applications including Microsoft EXCEL.~~

(6) Check Cashing Database: ~~A Commencing on September 3, 2015, but no later than October 1, 2015, every~~ check casher must in accordance with section 560.310(2)(d), F.S., submit the following information into the check cashing database prior to the check casher providing currency (or payment instrument if a Part II licensee):

1. Transaction date.
2. Payor name as displayed on the payment instrument.
3. Payee name as displayed on the payment instrument.
4. Conductor name, if different from the payee name.
5. Amount of the payment instrument.
6. Amount of currency provided.
7. Type of payment instrument.
8. Amount of the fee charged for cashing of the payment instrument.
9. Branch or location where the payment instrument was accepted.
10. The type of identification and identification number presented by the payee or conductor.
11. Payee’s workers’ compensation insurance policy number or exemption certificate number, if a corporate payment instrument and an active policy exists.
12. Payee Corporate Document Number as issued by the Secretary of State, if a corporate payment instrument.
13. Payee Federal Employer Identification Number, if a corporate payment instrument.

~~(6) Upon commencement of a check casher entering check cashing transaction into the database pursuant to subsection (6), a check casher will no longer be required to record check cashing transaction on an electronic log as required pursuant to paragraphs (5)(a) and (b). The check~~

~~casher must continue to retain the electronic log in its records for all transactions recorded prior to utilizing the check cashing database.~~

Rulemaking Authority 560.105, 560.310 FS. Law Implemented ~~560.1105~~, 560.310 FS. History–New 9-24-97, Amended 11-4-01, Formerly 3C-560.704, Amended 1-13-09, 10-12-15, _____.

69V-560.7041 Check Cashing Database Access.

(1) The check cashing database vendor shall operate and maintain a website with the URL and domain name www.FLCCDB.com on behalf of the Office of Financial Regulation, which shall be the means by which real-time access to the check cashing database is made available through an internet connection for check cashers to comply with chapter 560, F.S. The check cashing database vendor shall operate and maintain the check cashing database and shall give check cashers access to the check cashing database on the following terms and conditions:

(a) Only check cashers licensed under chapter 560, F.S., may access the check cashing database.

(b) A check casher shall designate to the check cashing database vendor at least one administrator to create and manage other administrators’, supervisors’, and users’ identification and passwords for personnel authorized by the check casher to submit transactions to the check cashing database; to maintain transactional information on the website and check cashing database; and to ensure the accuracy of check cashing database transaction information, including that the user identification and password for the employee are associated with the appropriate location from which the transaction is conducted. Only one security administrator identification and password will be administered by the check cashing database vendor. The check casher’s administrators will be responsible for all other personnel user identification ~~numbers~~ and passwords within the check casher’s organization.

(2) A check casher’s access to the check cashing database, including all locations of such check casher, will be terminated by the check cashing database vendor at such time as the Office of Financial Regulation provides notice to the check cashing database vendor via the nightly license information update or electronic mail that the check casher’s license is revoked, expired, or terminated.

(3) A check cashers access to the check cashing database, including all users and locations of such check cashers, will be restricted by the check cashing database vendor at such time as the Office of Financial Regulation provides notice to the check cashing database vendor via the nightly license information update or electronic mail that the check casher’s license becomes inactive or suspended. For purposes of the paragraph the term “restricted” means that the check casher cannot access the check cashing database, but its administrator and

user accounts are not permanently disabled. The licensee's licensees status access to the check cashing database will be reinstated if the license is reinstated to active status.

(4) The Office of Financial Regulation will provide the check cashing database vendor with nightly updates Monday through Friday of each week. Any addition or change of access to the check cashing database shall be effective the next business day.

Rulemaking Authority 560.105, 560.310 FS. Law Implemented 560.310 FS. History—New 10-12-15, Amended.

69V-560.7042 Check Cashing Database Access Transaction Requirements.

(1) Each check cashing transaction for which the payment instrument cashed is in excess of \$1,000 shall be submitted to the check cashing database and receive a transaction confirmation number evidencing the transaction as recorded in the check cashing database prior to a check casher giving currency (or a payment instrument if a Part II licensee).

(2) Each check casher must also submit to the check cashing database multiple payment instruments accepted from any one person on any given day which when aggregated total in excess of \$1,000. Payment instruments cashed pursuant to this the paragraph must be entered into the check cashing database within two (2) business days of the date on which the aggregate transactions occurred.

(3) No change.

(4) The check casher may amend a check cashing transaction within forty-five (45) ~~forty five~~ calendar days from the date of the transaction.

Rulemaking Authority 560.105, 560.310 FS. Law Implemented 560.310 FS. History—New 10-12-15, Amended.

69V-560.7043 Check Cashing Database Availability.

(1) The check cashing database shall be accessible 24 hours a day every day of the year except for routine scheduled system maintenance and upgrades performed by the check cashing database vendor. During times of scheduled maintenance or system upgrades, check cashers will be given no less than 24 hours notice in the form of electronic mail to the designated administrator for each check casher or a broadcast message on the check cashing database website.

(2) In the event the check cashing database is unavailable, check cashers shall adhere to the following procedures:

(a) No change.

(b) The check casher shall confirm that the check cashing database remains unavailable by attempting to access the check cashing database with every person seeking a check cashing transaction unless they have been notified via electronic mail by the check cashing database vendor of an expected period of time

necessary to correct whatever problem is causing the check cashing database to remain unavailable;

(c) Transactions conducted during a period of unavailability must be submitted to the check cashing database within 24 hours of notification by the check cashing database vendor, that the check cashing database is available; provided, however, that if the check cashing database is unavailable for more than 24 hours, then the period for submission shall be extended by 24 hours for each additional 24-hour period of unavailability.

Rulemaking Authority 560.105, 560.310 FS. Law Implemented 560.310 FS. History—New 10-12-15, Amended.

69V-560.707 Records to be Maintained by Deferred Presentment Providers.

(1) Every deferred presentment provider shall maintain the following records at a location ~~in this state~~ which has been designated to the Office:

(a) A copy of each personal check, or ACH authorization, accepted for each deferred presentment transaction.

(b) No change.

(c) If applicable for deferred presentment transactions not repayable in installments, a copy of each document relating to any consumer credit counseling services provided for each drawer including:

1. through 3. No change.

(d) No change.

1. through 2. No change.

~~(e)(d)~~ Records relating to all returned personal checks that shall include, if applicable, the following:

1. The date the personal check was returned to the provider;
2. The name and address of the drawer;
3. The check number of the personal check;
4. The dollar amount of the personal check;
5. The date of deposit by the provider;
6. The NSF fees imposed, if applicable, on each drawer;
7. The date on which collection is made from the drawer;

and,

8. A description of the method by which collection was ultimately achieved.

~~(f)(e)~~ A daily summary of the business activities including the following documents:

1. Bank deposit receipts and supporting records detailing the bank deposit;
2. Copies of checks and withdrawal receipts evidencing withdrawal of funds from accounts maintained by the provider; and,
3. A daily cash reconciliation summarizing each day's activities and reconciling cash on hand at the close of business.

~~(g)(f)~~ Bank statements of the provider received and maintained, no less often than monthly, for all accounts from

which the provider operates. A complete legible copy of the provider's bank statement will be accepted if the original bank statement is not available.

~~(h)(g)~~ A copy of the drawer's written authorization to electronically debit the drawer's account if the provider intends to make use of such practice.

~~(i)(4)~~ The copy of the drawer's personal check shall constitute compliance with the requirements of subparagraphs ~~(e)(4)~~ 1. through 4. of this rule. The provider may include the reasonable cost of such copy as part of the verification fee allowed pursuant to rule 69V- 560.801, F.A.C., if such fee is charged to that drawer.

~~(j)(4)~~ A copy of the drawer's verifiable means of identification and any other documentation the provider collects in order to verify the drawer's identity.

~~(k)(4)~~ Copies of receipts provided to the drawer for each check, which evidence the termination of the transaction. The drawer shall receive and the provider shall maintain a copy of the receipt for each transaction redeemed in cash or certified funds ~~of their check~~, or when evidence of clearing has been provided to the provider. The receipt shall include, but is not limited to the date, time, transaction number, and amount.

~~(l)(4)~~ Copies of documentation presented to the provider as evidence of clearing.

(2) The records referenced in subsection (1), above, ~~may shall~~ be maintained by the provider in accordance with the provisions of section ~~560.1105 560.407(4)~~, F.S. Rulemaking Authority 560.105, 560.404(23) FS. Law Implemented ~~560.1105, 560.404, 560.407~~ FS. History–New 12-17-01, Formerly 3C-560.707, Amended 9-14-04, 1-13-09, Amended _____.

69V-560.902 Definitions.

(1) The term "provider" means a deferred presentment provider as defined by section 560.103 ~~(12)(10)~~, F.S.

(2) No change.

~~(3) The term "database" means the Office administered transactional database authorized by section 560.404(23), F.S.~~

~~(4) The term "database vendor" means the vendor, which contracted with the Office for the purpose of developing and administering the daily operations of the database.~~

~~(3)(5)~~ The term "registered" means that a deferred presentment provider has provided to the database the information required to identify a valid deferred presentment transaction.

~~(4)(6)~~ The term "recorded" means that the database has assigned a transaction authorization number to a registered transaction, logged it as an open transaction, and communicated the transaction authorization number to the deferred presentment provider.

~~(5)(7)~~ The term "consumer credit counseling" means a confidential comprehensive personal money management

review, including budget counseling resulting in a written assessment of the client's financial situation by the consumer credit counselor which includes a suggested client action plan based upon a range of options chosen according to the best interests of the client. The suggested client action plan may include: the client handling their financial concerns on their own; enrollment in a debt repayment plan managed by the credit counseling agency; and/or information about bankruptcy other than legal advice.

~~(8) The term "notice" means written communication to the last address provided to the Office by regular mail, electronic mail, or facsimile; provided that notice to the Office must be to the DPP Database Contract Manager, Office of Financial Regulation, 2 00 East Gaines Street, Tallahassee, Florida 32399 0375, or by electronic mail to electronic_licensing@fldfs.com, or by facsimile to DPP Database Contract Manager, Office of Financial Regulation, (850)410-9279.~~

~~(6)(9)~~ The term "open transaction" or "open" means a transaction which has been registered and recorded but not terminated or pending.

~~(7)(10)~~ The term "pending transaction" or "pending" means an ~~open~~ transaction that is in the process of clearing the banking system, in the 60-day grace period pursuant to section 560.404(22)(a), F.S., or returned to the provider pursuant to section 560.406, F.S.

~~(8)(11)~~ The term "closed transaction" or "close" or "terminated" means a transaction terminated as provided in section 560.903(1), F.S.

~~(9)(12)~~ The term "immediately" means prior to the customer exiting the location in all circumstances except for depositing of checks, processing of ACH items for collection, or grace period related updates. In such instance, the term shall mean not later than 11:59 p.m. on the date that the event creating the need for the database update occurs.

~~(10)(13)~~ The term "check" includes but is not limited to any authorization to transfer or withdraw funds from an account signed by the drawer, including any authorization by a drawer to execute an Automated Clearing House debit transaction.

Rulemaking Authority 560.105, 560.404(23) FS. Law Implemented 560.402, 560.404 FS. History–New 12-17-01, Amended 4-17-02, Formerly 3C-560.902, Amended 9-14-04, 1-13-09, Amended _____.

69V-560.903 Deferred Presentment Transactions.

(1) A deferred presentment transaction shall be considered terminated at such time as ~~all the checks check~~ that ~~are is~~ the basis of the deferred presentment agreement ~~have has~~ been:

(a) through (e) No change.

(f) Deposited by the provider or processed for collection through the ACH system and the provider has not received

notice within fourteen (14) days that the check has been returned for insufficient funds, stop payment or closed account. The deferred presentment database will automatically close the transaction after fourteen (14) days if the provider has updated the transaction status to reflect the deposit and no action has been taken by the provider to update the deferred presentment database to reflect that the check has been returned as discussed above.

1. Notwithstanding the automatic termination provision of subparagraph 69V-560.903(1)(f) ~~69V-560.903(1)(a)6~~, F.A.C., providers shall immediately close all transactions in the deferred presentment database when a transaction is terminated as required by subsection 69V-560.908(6), F.A.C.

2. In the event that the amount collected from the drawer exceeds the face amount of any ~~the~~ check, the provider shall notify the drawer that he or she may retrieve such excess at the provider's location where the initial agreement between the drawer and provider was executed.

3. Each deferred presentment provider shall develop and implement written policies and procedures relating to the reconciliation of returned items where termination of the existing transaction is accomplished pursuant to subparagraph 69V-560.903(1)(f) ~~69V-560.903(1)(a)6~~, F.A.C., which clearly supports the timely and accurate update of transactional information on the deferred presentment database.

(2)(a) The drawer shall provide evidence to the provider that ~~the his or her~~ checks that were ~~was~~ the basis of a previous deferred presentment transaction have ~~has~~ cleared the drawer's account at least 24 hours prior to entering into a new deferred presentment transaction (except that the provider may obtain such evidence as provided in subparagraph 4., below). Evidence of a check having cleared the drawer's account may include, but shall not be limited to:

1. A copy of the drawer's bank statement showing the checks ~~check~~ have ~~has~~ cleared;

2. The canceled checks or copies ~~a copy~~ of the canceled checks;

3. No change.

4. A verbal representation, documented in writing by the provider, from the drawer's financial institution to the provider that the drawer's checks ~~check~~ have ~~has~~ cleared, if the drawer's financial institution will provide such representation.

(b) Upon receipt of evidence that all of the ~~a~~ drawer's checks that were ~~is~~ the basis of a previous deferred presentment transaction have ~~has~~ cleared, the provider shall immediately update the deferred presentment database to close the transaction. The provider who deposited the drawer's check is the only provider that can close the transaction on the deferred presentment database.

(c) No change.

Rulemaking Authority 560.105, 560.404(23) FS. Law Implemented 560.404, 560.405 FS. History--New 4-17-02, Formerly 3C-560.903, Amended 9-14-04, 1-13-09, Amended _____.

69V-560.904 Deferred Presentment Transaction Agreement Disclosures and Requirements.

(1) Each deferred presentment transaction agreement must contain the following:

(a) For deferred presentment transactions not repayable in installments:

1. The drawer's full name, address, date of birth, either the last five digits of the social security number or full alien registration number;

2. The face amount and check number of the drawer's personal check (check number not required for ACH authorizations);

3. The drawer's signature and signature date;

4. A clear description of the drawer's payment obligations under the deferred presentment transaction;

5. The amount of currency or the amount of any payment instrument provided to the drawer;

6. A listing of all fees charged to the drawer categorized by fee type (i.e., 1-% transaction fee and verification fee);

7. The deferred presentment provider's name, license number, address, and telephone number;

8. The name, title, signature, and signature date of the authorized employee of the deferred presentment provider who signs the deferred presentment agreement;

9. The date the deferred presentment transaction agreement was executed;

10. The number of days of the deferment period;

11. The date of the last day of the deferment period;

12. The time of day on the last day of the deferment period for the drawer to either redeem his or her check or request a grace period. Such time shall be the close of business for that calendar day;

13. The disclosure requirements required by section 560.404(13), F.S.;

14. The disclosure notice required by section 560.404(20), F.S.;

15. The transaction number assigned by the deferred presentment database; and,

16. The address and telephone number of the Office.

(b) For deferred presentment transactions repayable in installments:

1. The drawer's full name, address, date of birth, either the last five digits of the social security number or full alien registration number;

2. The face amount and check number of each of the drawer's personal checks;

3. The drawer's signature and signature date;

4. A clear description of the drawer's payment obligations under the deferred presentment installment transaction to include an amortization schedule which must contain each scheduled payment amount, due date, and outstanding transaction balance after each scheduled payment;

5. The amount of currency or the amount of any payment instrument provided to the drawer;

6. A listing of all fees charged to the drawer categorized by fee type (i.e., 1-% transaction fee and verification fee);

7. The deferred presentment provider's name, license number, address, and telephone number;

8. The name, title, signature, and signature date of the authorized employee of the deferred presentment provider who signs the deferred presentment installment transaction agreement;

9. The date the deferred presentment installment transaction agreement was executed;

10. The number of days of each deferment period for each check accepted;

11. The date of the last day of each deferment period for each check accepted and the corresponding check number;

12. The time and date of the business day before each scheduled payment when a drawer may inform the provider that he or she cannot make the scheduled payment in full and request to defer the scheduled payment until after the last scheduled payment;

13. The disclosure requirements required by section 560.404(13), F.S.;

14. The disclosure notice required by section 560.404(20), F.S.;

15. The transaction number assigned by the deferred presentment database; and,

16. The address and telephone number of the Office.

~~(1)(a) Each deferred presentment transaction agreement must contain the following:~~

~~1. The drawer's identification information including name, address, social security or alien registration number, and if provided, the drawer's driver's license number;~~

~~2. The name or trade name, registration number, address, and telephone number of the deferred presentment provider and the name and title of the person who signs the agreement on behalf of the deferred presentment provider;~~

~~3. The date the deferred presentment transaction was executed;~~

~~4. The face amount of the drawer's personal check;~~

~~5. The length of the deferment period (in days);~~

~~6. The last day of the deferment period;~~

~~7. The time of day on the last day of the deferment period for the drawer to either redeem his or her check or request the grace period. Such time shall be the close of business for that calendar day;~~

~~8. The address and toll free telephone number of the Office;~~

~~9. A clear description of the drawer's payment obligations under the deferred presentment transaction;~~

~~10. The disclosure notice required by section 560.404(20), F.S.;~~

~~11. The transaction number assigned by the Office database. This provision shall become effective on March 1, 2002;~~

~~12. The amount of currency or the amount of any payment instrument provided to the drawer;~~

~~13. A listing of all fees charged to the drawer categorized by fee type (i.e., 10% transaction fee and verification fee);~~

~~14. The disclosures required by section 560.404(13), F.S.;~~

~~15. The drawer's written signature and date of execution which shall be done in the presence of the provider or an authorized employee of the provider;~~

~~16. The provider or its authorized employee's written signature and date of execution;~~

~~17. The check number of the drawer's check; and,~~

~~18. The drawer's date of birth.~~

~~(2)(a)(b) If the deferred presentment provider (Part II licensees only) intends to provide the drawer with a payment instrument in lieu of currency, the agreement shall also contain the drawer's acknowledgment that he or she has consented to accept the provider's payment instrument in lieu of currency. Such acknowledgment shall clearly state that it is the drawer's choice to obtain such payment instrument, and that the provider may not require a drawer to accept a payment instrument in lieu of currency. For purposes of this section, the drawer may accept disbursement of the proceeds via ACH credit to the drawer's account. This acknowledgment shall be separately initialed by the drawer;~~

~~(b)(e) If the provider intends to electronically debit the drawer's account to collect the funds, the agreement shall also contain the drawer's authorization to the provider permitting the electronic debit of the drawer's account. This authorization shall be provided in a separate section of the transaction agreement, in not less than 8 point type, and must be initialed by the drawer. Providers must still adhere to all provisions of part IV of chapter 560, F.S., regarding the drawer's payment options under such part;~~

~~(3)(2) The transaction agreement may not include any of the following:~~

~~(a) A hold harmless clause;~~

~~(b) A confession of judgment clause;~~

~~(c) Any assignment of or order for payment of wages or other compensation for services;~~

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

(e) A waiver of any provision of part IV of chapter 560, F.S.;

(f) Any representation from the drawer as to the sufficiency of funds regarding any past deferred presentment transactions;

(g) Any statement regarding criminal prosecution with respect to the agreement; and,

(h) Any language regarding additional fees or penalties imposed on the drawer as a result of the agreement.

~~(4)(3)(a)~~ Upon being given timely notice by a drawer in writing or in person that he or she will not be able to ~~cover the check or~~ pay the full amount of a deferred presentment transaction not payable in installments owed to the deferred presentment provider in accordance with the agreement, every provider shall verbally advise the drawer of the availability of the sixty (60) day grace period. A provider shall provide the drawer with the written notice required by section 560.404(22)(b)3., F.S. ~~Such notice shall be executed and dated by both the drawer and an authorized employee of the registrant.~~

(b) The provider shall attach a free copy of the Office's list of approved consumer credit counseling agencies including the ~~toll free~~ telephone number of the Office.

(5) Upon being given timely notice by a drawer in person or in writing that he or she will not be able to pay the scheduled payment amount for a deferred presentment installment transaction owed to the deferred presentment provider in accordance with the agreement, every provider shall verbally advise the drawer of the availability to defer only one scheduled payment as authorized in section 560.404(23), F.S. A provider shall provide the drawer with the following notice upon deferment of a scheduled payment in at least 14-point type in substantially the following form:

NOTICE

Your scheduled payment which was due on [Date] has been deferred to [Date]. If the deferred presentment provider is holding a check for this scheduled payment, the provider may deposit your check if you do not redeem the check by the new deferred date. Be advised Florida law allows only one scheduled payment be deferred for each deferred presentment installment transaction therefore you are not entitled to additional deferrals for this transaction.

Rulemaking Authority 560.105, 560.404(23) FS. Law Implemented 560.309, 560.404, 560.405 FS. History—New 12-17-01, Formerly 3C-560.904, Amended 9-14-04, 1-13-09, Amended _____.

69V-560.905 Deferred Presentment Transaction Fees.

(1) The transaction fee for a deferred presentment transaction not repayable in installments shall be limited to ten percent (10%) of the amount of currency or payment instrument provided to the drawer. A deferred presentment

provider may also charge a verification fee in accordance with rule 69V-560.801, F.A.C. An example of the computation of the maximum fees allowed by the code in a transaction where the drawer is seeking an advance of \$500 would be as follows:

(a) No change.

(2) A \$50 transaction fee (\$500 X 10%); and,

(a) Up to \$5 for the direct costs associated with verification of the drawer's identity and/or employment. In this example, the provider would provide currency or a payment instrument (Part II licensees) in the amount of \$500 to the drawer, and the drawer would provide a personal check in the amount of between \$550-\$555 depending upon the exact amount of the direct costs of verification, if any, assessed by the provider with respect to this drawer. Unless a drawer has met the requirements for an automatic grace period, the drawer would be required to either redeem his or her personal check in cash (face amount of the check) or the provider would on the due date or a reasonable time thereafter present such personal check to the financial institution for payment.

(3) The transaction fee for a deferred presentment installment transaction shall be computed at the time of origination and limited to eight percent (8.00%) of the outstanding transaction balance on a biweekly basis using a simple interest calculation. A drawer's untimely payment of a scheduled amount shall not increase the drawer's outstanding transaction balance. Deferred presentment installment fees may not be charged in amounts exceeding those amounts disclosed as finance charges on the deferred presentment installment transaction agreement pursuant to Section 560.404(13), F.S. When calculating extra days for a first installment period that is longer than the remaining installment periods, the transaction fee is limited to a daily simple interest rate of zero point five seven one four two percent (0.57142%) of the outstanding transaction balance per extra day. A deferred presentment provider may also charge a verification fee in accordance with rule 69V-560.801, F.A.C.

(a) If at the time the deferred presentment transaction is executed the deferred presentment provider accepts one check from a drawer for the entire amount of the deferred presentment transaction, the deferred presentment provider shall return the check being held to the drawer each time the drawer makes a scheduled payment and may accept a replacement check dated as of the date accepted by the deferred presentment provider from the drawer in the amount of the transaction balance then outstanding.

(b) Unless a drawer has met the requirements for a deferment or redeemed his or her personal check in cash, the provider may present the check to the financial institution for payment on the first business day after the due date shown for that particular payment on the deferred presentment installment transaction agreement.

(c) Overpayments and early payments towards an outstanding transaction balance will reduce the finance charges from those disclosed on the deferred presentment installment agreement. Following early termination of a deferred presentment installment agreement for which any payments were redeemed in cash, the drawer shall be entitled to a refund computed at the daily simple interest rate (0.57142%) for any charges paid in excess of those accrued.

(d) In no event shall the provider retain an amount that exceeds (i) the Total of Payments disclosed to the drawer on the deferred presentment installment agreement pursuant to Section 560.404(13), F.S. plus (ii) the amount of any fees accrued pursuant to Section 560.406, F.S. The provider must refund any overcharge within twenty (10) calendar days of the date the final payment is redeemed in cash or the check being held that represents the final payment has cleared the provider's financial institution.

~~(4)(2)~~ Under no circumstances may the deferred presentment provider collect transaction fees from a drawer at the inception of a transaction. A provider shall not collect verification fees from the drawer at the inception of a deferred presentment transaction. All fees with respect to a deferred presentment transaction shall be collected at such time as the drawer redeems his or her personal checks or the provider presents the drawer's personal checks for payment.

~~(5)(3)~~ A deferred presentment provider shall not charge, impose, or add any other fees upon a drawer. Examples of such unauthorized fees include, but are not limited to, such items as initial application fees, drawer setup fees, etc.

~~(6)(4)~~ Under no circumstances shall a provider require that a drawer purchase any other products or services as a condition of the deferred presentment transaction.

Rulemaking Authority 560.105, 560.404(23) FS. Law Implemented 560.404, 560.405 FS. History—New 12-17-01, Formerly 3C-560.905, Amended 1-13-09, Amended _____.

69V-560.907 Deferred Presentment Database Access.

(1) The deferred presentment database vendor shall operate and maintain a website with the URL and domain name www.FLADPP.com on behalf of the Office of Financial Regulation, which shall be the means by which real-time access to the deferred presentment database is made available through an internet connection for providers to comply with part IV, chapter 560, F.S. The deferred presentment database vendor shall operate and maintain the deferred presentment database and shall give providers access to the deferred presentment database on the following terms and conditions:

(a) A provider shall designate to the deferred presentment database vendor a security administrator to assign employee user identification numbers and passwords to employees authorized by the provider to register transactions on the

deferred presentment database, to maintain provider information on the website and deferred presentment database, and to ensure the accuracy of deferred presentment database transaction information, including that the user identification and password for the employee are associated with the appropriate location from which the transaction is conducted, except for a new location as provided in section 560.307(2) or 560.208(2), F.S. Only the security administrator identification and password will be administered by the deferred presentment database vendor. The provider's security administrator will be responsible for all other employee user identification numbers and passwords within the provider's organization;

1. If the security administrator needs to be changed or a new security administrator needs to be designated, the provider shall request those changes from the deferred presentment database vendor;

2. If the security administrator forgets the password, the provider shall request the deferred presentment database vendor to reset the password;

(b) A provider's security administrator will not have access to the deferred presentment database until he or she has been certified by the deferred presentment database vendor. The deferred presentment database vendor shall initially provide certification to the provider for one security administrator at no cost. A provider may have one replacement security administrator certified by the deferred presentment database vendor per year at no cost;

(c) A provider shall be and remain registered pursuant to part II or part III of chapter 560, F.S., and provide a "Declaration of Intent to Engage in Deferred Presentment Transactions" together with the required fee to the Office of Financial Regulation as provided by rule 69V-560.108, F.A.C.;

~~(d) Upon being given notice by the database vendor of the database being available to register existing open transactions, a provider shall accurately enter all information required by the database regarding each open transaction entered into on or after October 1, 2001; and,~~

~~(e) Thereafter, a provider shall accurately enter all new deferred presentment transactions into the database in accordance with the provisions of Rule 69V-560.908, F.A.C.~~

(2)(a) Every primary business location of a deferred presentment provider and every branch office location of which the Office of Financial Regulation has been notified, shall be permitted to register transactions on the deferred presentment database. The Office of Financial Regulation will provide the deferred presentment database vendor with nightly updates Monday through Friday of each week regarding primary business and branch office locations.

(b) It will be the responsibility of each provider's designated security administrator to assign user identification numbers and passwords to those employees at new branch

office locations who may register deferred presentment transactions on the deferred presentment database after Form OFR-MT-2-01 (Location Notification Form) as to such branch office location has been provided to the Office of Financial Regulation.

(3) The deferred presentment database vendor will make available limited predefined reporting capabilities to providers, but under no circumstances will these reporting capabilities extend beyond transactions entered by that provider. A provider may request additional predefined reports from the deferred presentment database vendor, but the deferred presentment database vendor shall have discretion to deny these requests. Any reports made available on the deferred presentment database by the deferred presentment database vendor for one provider shall be made available to all providers.

(4) A provider's access to the Office of Financial Regulation's deferred presentment database, including all branch office locations of such provider, will be restricted by the deferred presentment database vendor at such time as the Office of Financial Regulation provides notice to the deferred presentment database vendor via the nightly licensing registration information update or electronic mail that the provider's:

(a) License Registration pursuant to Part II or Part III of the code is surrendered, revoked, expired, rendered inactive or the licensee registrant is denied renewal of such licensure; or

(b) No change.

(5) Any provider who has had its access to the Office of Financial Regulation's deferred presentment database restricted shall not have access reinstated until the next business day following resolution of the issue which caused the restriction.

Rulemaking Authority 560.105, 560.404(23) FS. Law Implemented 560.404, 560.4041 FS. History—New 4-17-02, Formerly 3C-560.907, Amended _____.

69V-560.908 Deferred Presentment Database Transaction Requirements.

(1) Each deferred presentment transaction shall be registered with the deferred presentment database and receive a transaction authorization number evidencing the transaction as being recorded in the deferred presentment database prior to a provider giving currency or a payment instrument (Part II licensees only) to the drawer except as set forth in rule 69V-560.909, F.A.C. The purpose of this deferred presentment database is to:

(a) through (c) No change.

(2) No change.

(a) Accessing the deferred presentment database using the assigned user identification and password provided to each employee by the security administrator for the provider;

(b) Conducting a search of the deferred presentment database based upon either a social security number, alien registration number, or ITIN number of the person seeking a new deferred presentment transaction. The deferred presentment database will provide the result of the search indicating whether the person is eligible or ineligible to enter into a new deferred presentment transaction;

(c) If the person is eligible for a new deferred presentment transaction and the borrower intends to enter into a deferred presentment transaction, the provider must ~~may~~ submit into the deferred presentment database all of the ~~required~~ required pursuant to section 560.404(24)(a), F.S., and rule 69V-560.908(8), F.A.C., on a person necessary to have the transaction registered on the deferred presentment database;

(d) Once all of the required information has been submitted to the deferred presentment database, the deferred presentment database will re-verify the search. If the drawer's eligibility is confirmed, the deferred presentment transaction will be recorded as open, assigned a transaction authorization number, and the transaction authorization number will be communicated to the provider as evidence that the transaction has been authorized by the deferred presentment database. The provider shall place the transaction authorization number on the deferred presentment agreement; and,

(e) No change.

(3) Providers may cancel a deferred presentment agreement before the close of business on the date of the transaction without incurring a transaction fee. If a provider elects to cancel a deferred presentment agreement with a drawer, the provider shall not assess either the transaction fee or the verification fee to the drawer. The provider shall immediately update the transaction fields to indicate that no fees were charged to the drawer and close the transaction on the deferred presentment database.

(4) Providers shall immediately update open transactions on the deferred presentment database to ensure that all identifying information regarding both the drawer and the transaction are accurate, including any comments on the transaction which the provider deems relevant. A provider shall also immediately update the deferred presentment database ~~by entering a pending reason~~ when:

(a) The check that is the basis of the deferred presentment agreement for a deferred presentment transaction not repayable in installments:

1. It has been redeemed or deposited by the provider, in which case, the date on which the check was redeemed or deposited shall also be entered (including the date the provider sends instructions to process an ACH debit to the drawer's bank account);

~~2.(b)~~ A drawer has requested the 60-day grace period in accordance with section 560.404(22)(a), F.S.;

~~3.(e)~~ A The drawer's check is returned to the provider as not collected; or

~~4.(d)~~ A The drawer's check is processed for collection via the ACH system.

(b) The check representing the final payment of the deferred presentment agreement for a deferred presentment installment transaction:

1. Has been redeemed or deposited by the provider, in which case, the date on which the check was redeemed or deposited shall also be entered (including the date the provider sends instructions to process an ACH debit to the drawer's bank account):

2. A drawer has requested a deferral in accordance with 560.404(20)5., F.S.:

3. A The drawer's check is returned to the provider as not collected; or

4. A The drawer's check is processed for collection via the ACH system.

(5) No change.

(a) through (c) No change.

(6) Providers shall be responsible for closing all transactions on the deferred presentment database, except as provided in subparagraph 69v-560.903(1)(f) ~~69v-560.903(1)(a)6.~~, F.A.C., immediately when the transaction has terminated, in which case, the provider shall input the date and time a transaction closes, as well as the final payment method, unless the provider has previously entered such payment method. The provider shall also provide a written receipt to the drawer when a check at the time the transaction is redeemed in cash, certified funds, or the drawer provides evidence of clearing.

(7) Any inquiry that results in the person being deemed ineligible by the deferred presentment database will immediately provide a printable message with a description of the reason for the determination together with the name, address, and toll-free support number of the deferred presentment database vendor, 1 (877) FLA-DPP1. At a minimum, the description shall state that the person is ineligible because he or she:

(a) No change.

(b) No change.

(c) Has terminated a prior transaction within 24 hours of the inquiry. A copy of the printable message shall be provided to the person at the time the deferred presentment database renders a determination that the person is not eligible to enter into a new deferred presentment agreement.

(8) The following information must be entered into the deferred presentment database by a provider in order to register a deferred presentment transaction not payable in installments in the database:

(a) All information required pursuant to section 560.404(24)(a), F.S.:

(b) State where drawer's driver's license issued;

(c) Drawer's date of birth;

(d) Transaction fee;

(e) Verification fee; and,

(f) Date deferred presentment transaction closed.

(9) The following information must be entered into the deferred presentment database by a provider in order to register a deferred presentment transaction payable in installments in the database:

(a) All information required in paragraph (8) above;

(b) Number of payments;

(c) Final payment due date; and,

(d) Deferred payment due date, if a payment is deferred pursuant to section 560.404(23), F.S.

Rulemaking Authority 560.105(2), 560.404(23) FS. Law Implemented 560.404, 560.4041 FS. History--New 4-17-02, Formerly 3C-560.908, Amended 9-14-04, 1-13-09, _____.

69V-560.909 Deferred Presentment Database Availability.

(1) The deferred presentment database shall be accessible 24 hours a day every day of the year except for routine scheduled system maintenance and upgrades performed by the deferred presentment database vendor. During times of scheduled maintenance or system upgrades, providers will be given no less than 24 hours notice in the form of electronic mail to the designated security administrator for each provider or a broadcast message on the website.

(2) In the event the deferred presentment database is unavailable, providers shall adhere to the following procedures to determine eligibility before initiating a new deferred presentment transaction (except as provided in subparagraph (3) below):

(a) The provider shall confirm that the deferred presentment database remains unavailable by attempting to access the deferred presentment database with every person seeking a new deferred presentment transaction unless they have been notified via electronic mail by the deferred presentment database vendor of an expected period of time necessary to correct whatever problem is causing the deferred presentment database to remain unavailable;

(b) The provider shall then contact the deferred presentment database vendor's toll-free help desk or voice response system to obtain a temporary transaction authorization number directly from the deferred presentment database vendor; and,

(c) Within 24 hours of ~~obtaining the temporary transaction authorization number from the database vendor,~~ the provider shall accurately enter the remaining transactional data into the deferred presentment database.

(3) In the event that either the Office of Financial Regulation or the deferred presentment database vendor notifies the provider that the deferred presentment database is unavailable and that all alternative methods for registering a transaction and receiving a transaction authorization number are also unavailable:

(a) The provider shall be authorized to conduct transactions during the specific period of unavailability, after receiving written authorization, via electronic mail or facsimile from either the Office of Financial Regulation or the deferred presentment database vendor with the Office of Financial Regulation's consent.

(b) No change.

(c) Transactions created during a period of authorized unavailability must be registered with the deferred presentment database within 24 hours of notification by the Office of Financial Regulation or deferred presentment database vendor, that the deferred presentment database is available; provided, however, that if the deferred presentment database is unavailable for more than 24 hours, then the period for registration shall be extended by 24 hours for each additional 24-hour period of unavailability.

(d) Once the transaction has been registered with the deferred presentment database, the transaction number assigned to that transaction must be placed on the provider's record copy of the deferred presentment agreement signed by the drawer for that transaction. If the drawer requests that transaction number at any time, the provider must provide it to the drawer.

(4) The procedures outlined in this section shall be the same for updating or terminating existing transactions when the deferred presentment database is unavailable.

Rulemaking Authority 560.105, 560.404(~~23~~) FS. Law Implemented 560.404, 560.4041 FS. History--New 4-17-02, Formerly 3C-560.909, Amended.

69V-560.910 Deferred Presentment Database Transaction Fees.

(1) The deferred presentment database transaction fee shall be \$1.00 per transaction for deferred presentment transactions not repayable in installments, and \$1.00 for each full or partial 30-day period that a balance is scheduled to be outstanding for a deferred presentment installment transaction. A provider shall be assessed this fee for each transaction that has been both registered and recorded on the deferred presentment database. On behalf of the Office of Financial Regulation, the deferred presentment database vendor shall make available electronically ~~submit~~ an invoice to the provider for its transaction fees at least five (5) business days before payment is due and the provider shall pay each such invoice within five (5) business days of the invoice date. The deferred presentment

database vendor shall submit such invoices for payment to the provider every seven (7) calendar days.

(2) The deferred presentment database vendor shall collect all transaction fees on behalf of the Office of Financial Regulation. A provider has the option of paying for transactions by ACH payment to be initiated by the deferred presentment database vendor, at no cost to the provider; by EFT to be initiated by the provider, at the provider's expense; or by any other commercially electronic methods of payment. If the provider elects to pay by ACH, the provider must sign a form authorizing the deferred presentment database vendor to initiate debit entries for transaction fees and to initiate, if necessary, credit entries and adjustments for any debit entries made in error to the provider's bank account.

Rulemaking Authority 560.105, 560.404(~~24~~)(~~23~~) FS. Law Implemented 560.404 FS. History--New 4-17-02, Formerly 3C-560.910, Amended.

69V-560.911 Deferred Presentment Database Dispute Resolution for Customers.

(1) Any inquiry into the deferred presentment database where the person is deemed ineligible for a new deferred presentment transaction will provide a printable message describing the reason the person was deemed ineligible together with the toll-free support number of the deferred presentment database vendor. The provider shall provide a copy of the message to the person any time the deferred presentment database deems the person to be ineligible for a new deferred presentment transaction.

(2) Only the person deemed ineligible may make a direct inquiry to the deferred presentment database vendor via the toll-free customer support number printed on the message.

(3) Any person deemed ineligible by the deferred presentment database may seek to dispute the determination by following the dispute resolution procedures of the deferred presentment database vendor.

(4) The deferred presentment database vendor shall request any additional information from the person and the provider, regarding any negative eligibility determination, that the deferred presentment database vendor deems necessary.

Rulemaking Authority 560.105, 560.404(~~23~~) FS. Law Implemented 560.404 FS. History--New 4-17-02, Formerly 3C-560.911, Amended.

69V-560.912 Deferred Presentment Database Confidentiality.

(1) Inquiries to the deferred presentment database by providers shall only state that a person is eligible or ineligible for a new deferred presentment transaction together with a description of the reason for such determination. Only information previously registered and recorded by the provider on the deferred presentment database shall be made available to

the provider by the deferred presentment database, the deferred presentment database vendor, or the Office of Financial Regulation.

(2) Only the person seeking the deferred presentment transaction may make a direct inquiry to the deferred presentment database vendor to request a more detailed explanation of a particular transaction that was the basis for the deferred presentment database’s ineligibility determination.

(3) No change.

Rulemaking Authority 560.105, 560.404 (~~23~~) FS. Law Implemented 560.404, 560.4041 FS. History—New 4-17-02, Formerly 3C-560.912, Amended.

69V-560.913 Termination of Deferred Presentment Activity and Transaction Maintenance; ~~Database Maintenance.~~

(1) Within fifteen (15) days after ceasing operations or no longer holding a license under part II or part III of chapter 560, F.S., a deferred presentment provider must provide notification to the Office of such action. The notice must be in writing, signed by the deferred presentment provider, and include the following:

(a) No change.

(b) A listing of all open and pending transactions including the drawer’s name, transaction number, transaction amount, and transaction date; and,

(c) Licensee’s name, license number, and mailing address; and, The contact name, address, and e-mail address of the deferred presentment provider for contact, if necessary.

(d) Contact person’s name, email address, and phone number.

(2) The notification required in paragraph (1) above must be mailed to Office of Financial Regulation, Attention: Deferred Presentment Database Contract Manager, 200 East Gaines Street, Tallahassee, Florida 32399-0376, or transmitted by facsimile to (850) 410-9914.

(3)~~(2)~~ For purposes of this section, the term “ceasing operations” shall mean that the provider has closed its offices to the public ~~or~~ has removed public access to its website, if such access is the sole means of communication with its customers. This provision shall not apply if a provider has given its customers a reasonable alternative for communications and payments.

(4) If the notice required in this section is not timely received, the Office of Financial Regulation shall administratively close all open and pending transactions.

(5) Transactions that are administratively closed by the Office of Financial Regulation shall not be reopened.

Rulemaking Authority 560.105, 560.404 (~~23~~) FS. Law Implemented 560.404 FS. History—New 1-13-09, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gregory Oaks

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 25, 2019
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 12, 2019

Section III Notice of Changes, Corrections and Withdrawals

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE NO.: 68-1.003
RULE TITLE: Florida Fish and Wildlife Conservation Commission Grants Program
NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 45 No. 140, July 19, 2019 issue of the Florida Administrative Register. The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs, or if no SERC is required, the information expressly relied upon and described herein: The nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: 61C-1.004
RULE TITLE: General Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on July 25, 2019, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code and Paragraph 5-202.11(A), 2009 FDA Food Code from American Airlines, Inc. located in Miami. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to

transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash sinks.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received before 5:00 p.m.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Daisy.Lee@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On July 22, 2019 the Division issued an order. The Final Order was in response to a Petition for a Variance from Bliss Condominium, filed May 9, 2019, and advertised on May 14, 2019 in Vol. 45, No. 94, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Rules 2.16.4.2, 2.16.4.5, 2.16.4.6, 2.16.4.9, 2.26.2.5, and 2.14.2.2.1, ASME A17.1b, 2009 edition, as adopted by Rule 61C-5.001 Florida Administrative Code that requires rated load, car doors, openings in car enclosures, power-operated vertically sliding doors, emergency stop switch, and panels in an enclosure because the Petitioner has not demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2019-097).

A copy of the Order or additional information may be obtained by contacting: NA

Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013. dhr.elevators@myfloridalicense.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On July 22, 2019 the Division issued an order. The Final Order was in response to a Petition for an emergency temporary Variance from Escambia County Judicial Center, filed July 1, 2019, and advertised on July 3, 2019 in

Vol.45, No. 129, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3, A.S.M.E. A17.3, 1996 edition, as adopted by Rule 61C-5.001 Florida Administrative Code that requires upgrading the elevators fire fighter service because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2019-127).

A copy of the Order or additional information may be obtained by contacting: NA

Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013. dhr.elevators@myfloridalicense.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On July 22, 2019 the Division issued an order. The Final Order was in response to a Petition for an emergency temporary Variance from Sherriff's Administrative Bldg., filed July 1, 2019, and advertised on July 3, 2019 in Vol.45, No. 129, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3, A.S.M.E. A17.3, 1996 edition, as adopted by Rule 61C-5.001 Florida Administrative Code that requires upgrading the elevators fire fighter service because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2019-128).

A copy of the Order or additional information may be obtained by contacting: NA

Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013. dhr.elevators@myfloridalicense.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On July 22, 2019 the Division issued an order. The Final Order was in response to a Petition for an

emergency permanent Variance from Ocean Way Condominiums Assn, filed June 24, 2019, and advertised on June 26, 2019 in Vol.45, No. 124, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rules 101.2 and 102.1, ASME A17.1b, 1998 edition, as adopted by Rule 61C-5.001 Florida Administrative Code to allow security camera recording equipment in the elevator machine room because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2019-120).

A copy of the Order or additional information may be obtained by contacting: NA
 Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013. dh.elevators@myfloridalicense.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice: On July 17, 2019 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for Subparagraph 3-305.11(A)(2), 2009 FDA Food Code, Section 3-305.14, 2009 FDA Food Code, Section 6-202.15, 2009 FDA Food Code, Section 6-202.16, 2009 FDA Food Code, subsection 61C-4.010(1), Florida Administrative Code, and subsection 61C-4.010(6), Florida Administrative Code from Au Bon Gout Mobile Catering Inc. located in Pompano Beach. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk time/temperature control for safety foods from an open air mobile food dispensing vehicle.

The Petition for this variance was published in Vol. 45/139 on July 18, 2019. The Order for this Petition was signed and approved on July 25, 2019. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring that each pan within the steam table is properly covered with an individual lid; the steam table is enclosed within a cabinet with tight-fitting doors, and is protected by an air curtain installed and operated according to the manufacturer’s specifications that protects against flying vermin or other environmental contaminants; all steam table foods must be properly reheated

for hot holding at approved commissaries and held hot at the proper minimum temperature per the parameters of the currently adopted FDA Food Code; and steam table food is to be dispensed by the operator with no customer self-service. The Petitioner shall also strictly adhere to the operating procedures and copies of the variance and operating procedures are to be present on the MFDV during all periods of operation.

A copy of the Order or additional information may be obtained by contacting: Daisy.Lee@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

Division of Cultural Affairs

The Florida Division of Cultural Affairs announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, August 21, 2019, 9:00 a.m. until conclusion

PLACE: This meeting will be held via webinar and teleconference. Please join my meeting from your computer, tablet or smartphone.
<https://global.gotomeeting.com/join/706631941>

You can also dial in using your phone. United States: (224)501-3412, Access Code: 706-631-941

Joining from a video-conferencing room or system?

Depending on your device, dial: 706631941@67.217.95.2 or 67.217.95.2##706631941

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/706631941>

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and score grant applications for the 2020-2021 Arts in Education/Underserved Cultural Community Development grants under the Specific Cultural Project Grant Program.

A copy of the agenda may be obtained by contacting: The Division of Cultural Affairs at (850)245-6470 or by visiting our website: www.florida-arts.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Rachelle Ashmore at rachelle.ashmore@dos.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Hillary Crawford, (850)245-6462, jenice.crawford@dos.myflorida.com.

DEPARTMENT OF STATE

Division of Cultural Affairs

The Florida Division of Cultural Affairs announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, August 21, 2019, 9:00 a.m. until conclusion

PLACE: This meeting will be held via webinar and teleconference. Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/706631941>

You can also dial in using your phone. United States: (224)501-3412, Access Code: 706-631-941

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New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/706631941>

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and score grant applications for the 2020-2021 Arts in Education/Underserved Cultural Community Development grants under the Specific Cultural Project Grant Program.

A copy of the agenda may be obtained by contacting: The Division of Cultural Affairs at (850)245-6470 or by visiting our website: www.florida-arts.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Rachele Ashmore at rachele.ashmore@dos.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Hillary Crawford, (850)245-6462, jenice.crawford@dos.myflorida.com.

DEPARTMENT OF STATE

Division of Cultural Affairs

The Florida Division of Cultural Affairs announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, August 22, 2019, 9:00 a.m. until conclusion

PLACE: This meeting will be held via webinar and teleconference. Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/756928301>

You can also dial in using your phone. United States: (646)749-3122, Access Code: 756-928-301

Joining from a video-conferencing room or system?

Depending on your device, dial: 756928301@67.217.95.2 or 67.217.95.2##756928301

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/756928301>

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and score grant applications for the 2020-2021 Multidisciplinary Level 1 grants under the General Program Support and Specific Cultural Projects Grant Programs.

A copy of the agenda may be obtained by contacting: The Division of Cultural Affairs at (850)245-6470 or by visiting our website: www.florida-arts.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Rachele Ashmore at rachele.ashmore@dos.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Hillary Crawford, (850)245-6462, jenice.crawford@dos.myflorida.com.

DEPARTMENT OF STATE

Division of Cultural Affairs

The Florida Division of Cultural Affairs announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, August 23, 2019, 9:00 a.m. until conclusion

PLACE: This meeting will be held via webinar and teleconference. Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/505260357>

You can also dial in using your phone. United States: 1(872)240-3212, Access Code: 505-260-357

Joining from a video-conferencing room or system?

Depending on your device, dial: 505260357@67.217.95.2 or 67.217.95.2##505260357

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/505260357>

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and score grant applications for the 2020-2021 Multidisciplinary Level 2 grants under the General Program Support Grant Program.

A copy of the agenda may be obtained by contacting: The Division of Cultural Affairs at (850)245-6470 or by visiting our website: www.florida-arts.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: **Rachelle Ashmore** at rachelle.ashmore@dos.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
 For more information, you may contact: **Hillary Crawford**, (850)245-6462, jenice.crawford@dos.myflorida.com.

DEPARTMENT OF STATE
 Division of Cultural Affairs
 The Florida Division of Cultural Affairs announces a telephone conference call to which all persons are invited.
DATE AND TIME: Monday, August 26, 2019, 9:00 a.m. until conclusion
PLACE: This meeting will be held via webinar and teleconference. Please join the meeting from your computer, tablet or smartphone.
<https://global.gotomeeting.com/join/911666597>
 You can also dial in using your phone. United States: (646)749-3122, Access Code: 911-666-597
 Joining from a video-conferencing room or system?
 Depending on your device, dial: [911666597@67.217.95.2](tel:911666597@67.217.95.2) or [67.217.95.2##911666597](tel:67.217.95.2##911666597)
 New to GoToMeeting? Get the app now and be ready when your first meeting starts:
<https://global.gotomeeting.com/install/911666597>
GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and score grant applications for the 2020-2021 Multidisciplinary Level 3 grants under the General Program Support Grant Program.

A copy of the agenda may be obtained by contacting: The Division of Cultural Affairs at (850)245-6470 or by visiting our website: www.florida-arts.org.
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: **Rachelle Ashmore** at rachelle.ashmore@dos.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
 For more information, you may contact: **Hillary Crawford**, (850)245-6462, jenice.crawford@dos.myflorida.com.

DEPARTMENT OF STATE
 Division of Cultural Affairs
 The Florida Division of Cultural Affairs announces a telephone conference call to which all persons are invited.
DATE AND TIME: Tuesday, August 27, 2019, 9:00 a.m. until conclusion
PLACE: This meeting will be held via webinar and teleconference. Please join the meeting from your computer, tablet or smartphone.
<https://global.gotomeeting.com/join/321849029>
 You can also dial in using your phone. United States: (646)749-3122, Access Code: 321-849-029
 Joining from a video-conferencing room or system?
 Depending on your device, dial: [321849029@67.217.95.2](tel:321849029@67.217.95.2) or [67.217.95.2##321849029](tel:67.217.95.2##321849029)
GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and score grant applications for the 2020-2021 Visual Arts grants under the General Program Support and Specific Cultural Projects Grant Programs.
 A copy of the agenda may be obtained by contacting: The Division of Cultural Affairs at (850)245-6470 or by visiting our website: www.florida-arts.org.
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: **Rachelle Ashmore** at rachelle.ashmore@dos.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
 For more information, you may contact: **Sarah Stage**, (850)245-6459, sarah.stage@dos.myflorida.com.

DEPARTMENT OF STATE
 Division of Cultural Affairs
 The Florida Division of Cultural Affairs announces a telephone conference call to which all persons are invited.
DATE AND TIME: Wednesday, August 28, 2019, 9:00 a.m. until conclusion
PLACE: This meeting will be held via webinar and teleconference. Please join the meeting from your computer, tablet or smartphone.
<https://global.gotomeeting.com/join/644371181>
 You can also dial in using your phone. United States: 1(872)240-3311, Access Code: 644-371-181
 Joining from a video-conferencing room or system?

Depending on your device, dial: 644371181@67.217.95.2 or 67.217.95.2##644371181

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/644371181>

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and score grant applications for the 2020-2021 Museum Level 1 grants under the General Program Support and Specific Cultural Projects Grant Programs.

A copy of the agenda may be obtained by contacting: The Division of Cultural Affairs at (850)245-6470 or by visiting our website: www.florida-arts.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Rachele Ashmore at rachele.ashmore@dos.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Sarah Stage, (850)245-6459, sarah.stage@dos.myflorida.com.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Administration

The Florida Agriculture Innovation Workgroup announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, August 6, 2019, 9:00 a.m.

PLACE: Florida State Fair Grounds, Bob Thomas Equestrian Center 5111 Orient Road, Tampa, FL, 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is to discuss general business.

A copy of the agenda may be obtained by contacting: Dr. Lisa Conti at (850)617-7700 or email at Lisa.Conti@freshfromflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Dr. Lisa Conti at (850)617-7700 or email at Lisa.Conti@freshfromflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Fruit and Vegetables

The DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICE Division of Fruit and Vegetables announces a public meeting to which all persons are invited.

DATE AND TIME: August 28, 2019, 2:30 p.m.

PLACE: Florida's Natural Growers Grove House, 20160 U.S. HWY 27, Lake Wales, Florida 33859

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to discuss the Citrus Crops estimates program, and any other matters which might properly come before this committee.

A copy of the agenda may be obtained by contacting: Mark Hudson or William Curtis at (407)648-6013 or toll-free at 1(800)344-6277.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 days before the workshop/meeting by contacting: If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: William Curtis at (407)648-6013.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

The Southwest Florida Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: August 7, 2019, 9:00 a.m.

PLACE: 7601 HWY 301 N, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting to obtain feedback from interested persons on current pending permit applications. The agenda is available at www.swfwmd.state.fl.us/about/calendar/month

A copy of the agenda may be obtained by contacting: Justin J. Eddy, 1(813)985-7481, ext. 2097.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD, Human Resources Bureau Chief at 1(800)423-1476, ext. 4701; TDD (FL only) 1(800)231-6103; or email: ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

The Southwest Florida Water Management District (SWFWMD) announces a workshop to which all persons are invited.

DATE AND TIME: Friday, August 16, 2019, 10:00 a.m.

PLACE: SWFWMD, 7601 US Highway 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: Fiscal Year 2021 Cooperative Funding Initiative Workshop: Sharing information with stakeholders and the public concerning the Fiscal Year 2021 Cooperative Funding Initiative. District staff will discuss how to access funding applications and information packets. All or part of this meeting may be conducted by means of communications media technology to allow maximum participation.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar; 1(800)423-1476 (FL only) or (352)796-7211.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD Human Resources Office Chief at (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD 1(800)231-6103 (FL only); or email to ADACoordinator@WaterMatters.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Lauren.Vossler@watermatters.org; 1(800)423-1476 (FL only) or (352)796-7211, x4400 (Ad Order EXE0686).

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District
The Southwest Florida Water Management District (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, August 13, 2019, 10:00 a.m.
PLACE: SWFWMD, 7601 US Highway 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: Industrial Advisory Committee meeting: To discuss committee business. All or part of this meeting may be conducted by means of communications media technology to permit maximum participation of committee and Governing Board members.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar; 1(800)423-1476 (FL only) or (352)796-7211.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by

contacting: SWFWMD Human Resources Office Chief at 1(800)423-1476 (FL only) or (352)796-7211, x4703; TDD (FL only) 1(800)231-6103; or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Kelly.Page@watermatters.org; 1(800)423-1476 (FL only) or (352)796-7211, x4605 (Ad Order EXE0687).

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District
The Southwest Florida Water Management District (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, August 13, 2019, 1:00 p.m.
PLACE: SWFWMD, 7601 US Highway 301 North, Tampa FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Supply Advisory Committee meeting: To discuss committee business. All or part of this meeting may be conducted by means of communications media technology in order to permit maximum participation of committee and Governing Board members

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar; 1(800)423-1476 (FL only) or (352)796-7211

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD Human Resources Office Chief at 1(800)423-1476 (FL only) or (352)796-7211, x4703; TDD (FL only) 1(800)231-6103; or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Kelly.Page@watermatters.org; 1(800)423-1476 (FL only) or (352)796-7211, x 4605(Ad Order0688).

DEPARTMENT OF ELDER AFFAIRS

Division of Volunteer and Community Services

The Department of Elder Affairs announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, August 5, 2019, 10:00 a.m.

PLACE: 1(888)585-9008; Conference Room Number: 539 017 756#

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Monthly meeting for Florida's 16 Memory Disorder Clinics to discuss: Contract amendments, Annual Plan update, Incentive reports, highlight of the Florida Brain Bank, Recap of the Alzheimer's Disease Advisory Meeting and update on the status of the MDC ADRD training.

A copy of the agenda may be obtained by contacting: Tracey Aittama, Department of Elder Affairs, (850)414-2343, AittamaT@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Tracey Aittama, Department of Elder Affairs, (850)414-2343, AittamaT@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Tracey Aittama, Department of Elder Affairs, (850)414-2343, AittamaT@elderaffairs.org.

DEPARTMENT OF ELDER AFFAIRS

Division of Volunteer and Community Services

The Department of Elder Affairs announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 7, 2019, 9:00 a.m.

PLACE: Collaboratory, 2031 Jackson Street, Fort. Myers, FL 33901; or Conference Line: 1(888)585-9008; Conference Room Number: 600 513 360#

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Meeting of the Dementia Cure and Care Initiative (DCCI) Task Force for the City of Fort Myers and Lee County. The goal of the DCCI is to engage communities across the state to be more Dementia-Caring, promote better care for Floridians affected by dementia, and support research efforts to find a cure. The vision of the DCCI is to see all Florida communities engaged in providing better care for those affected by dementia while we work towards a cure.

A copy of the agenda may be obtained by contacting: Laura Copeland, Department of Elder Affairs, (850)414-2020, CopelandL@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Laura Copeland, Department of Elder Affairs, (850)414-2020, CopelandL@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Laura Copeland, Department of Elder Affairs, (850)414-2020, CopelandL@elderaffairs.org.

DEPARTMENT OF ELDER AFFAIRS

Division of Volunteer and Community Services

The Department of Elder Affairs announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, August 13, 2019, 8:30 a.m.

PLACE: Pine Hills Community Center, 6408 Jennings Rd., Orlando, FL 32818; or Conference Line: 1-888-585-9008; Conference Room Number: 600 513 360#

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Meeting of the Dementia Cure and Care Initiative (DCCI) Task Force for the City of Orlando and Orange County. The goal of the DCCI is to engage communities across the state to be more Dementia-Caring, promote better care for Floridians affected by dementia, and support research efforts to find a cure. The vision of the DCCI is to see all Florida communities engaged in providing better care for those affected by dementia while we work towards a cure.

A copy of the agenda may be obtained by contacting: Laura Copeland, Department of Elder Affairs, (850)414-2020, CopelandL@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Laura Copeland, Department of Elder Affairs, (850)414-2020, CopelandL@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Laura Copeland, Department of Elder Affairs, (850)414-2020, CopelandL@elderaffairs.org.

DEPARTMENT OF ELDER AFFAIRS

Division of Volunteer and Community Services

The Department of Elder Affairs announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 14, 2019, 3:30 p.m.
 PLACE: Friendship Center – The Caregiving Place, 1820 Brother Geenen Way, Sarasota, FL 34236; or Conference Line: 1(888)585-9008; Conference Room Number: 600 513 360#
GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Dementia Cure and Care Initiative (DCCI) Task Force for the City of Sarasota and Sarasota County. The goal of the DCCI is to engage communities across the state to be more Dementia-Caring, promote better care for Floridians affected by dementia, and support research efforts to find a cure. The vision of the DCCI is to see all Florida communities engaged in providing better care for those affected by dementia while we work towards a cure.

A copy of the agenda may be obtained by contacting: Laura Copeland, Department of Elder Affairs, (850)414-2020, CopelandL@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Laura Copeland, Department of Elder Affairs, (850)414-2020, CopelandL@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Laura Copeland, Department of Elder Affairs, (850)414-2020, CopelandL@elderaffairs.org.

DEPARTMENT OF ELDER AFFAIRS

Division of Volunteer and Community Services

The Department of Elder Affairs announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 21, 2019, 3:00 p.m.
 PLACE: East Central Florida Memory Disorder Clinic Conference Room – 2nd Floor, Aging Services -3661 Babcock Street, Melbourne, FL 32901; Conference Line: 1(888)585-9008; Conference Room Number: 600 513 360#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Dementia Cure and Care Initiative (DCCI) Task force for the County of Brevard. The goal of the DCCI is to engage communities across the state to be more Dementia-Caring, promote better care for Floridians affected by dementia, and support research efforts to find a cure. The vision of the DCCI is to see all Florida communities engaged in providing better care for those affected by dementia while we work towards a cure.

A copy of the agenda may be obtained by contacting: Laura Copeland, Department of Elder Affairs, (850)414-2020, CopelandL@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Laura Copeland, Department of Elder Affairs, (850)414-2020, CopelandL@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Laura Copeland, Department of Elder Affairs, (850)414-2020, CopelandL@elderaffairs.org.

DEPARTMENT OF ELDER AFFAIRS

Division of Volunteer and Community Services

The Department of Elder Affairs announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 15, 2019, 2:00 p.m.
 PLACE: Elder Options, 100 SW 75th Street, Suite 301, Gainesville, FL 32607; or Conference Line: 1(888)585-9008; Conference Room Number: 600 513 360#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Dementia Cure and Care Initiative (DCCI) Task Force for the City of Gainesville and Alachua County. The goal of the DCCI is to engage communities across the state to be more Dementia-Caring, promote better care for Floridians affected by dementia, and support research efforts to find a cure. The vision of the DCCI is to see all Florida communities engaged in providing better care for those affected by dementia while we work towards a cure.

A copy of the agenda may be obtained by contacting: Laura Copeland, Department of Elder Affairs, (850)414-2020, CopelandL@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Laura Copeland, Department of Elder Affairs, (850)414-2020, CopelandL@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Laura Copeland, Department of Elder Affairs, (850)414-2020, CopelandL@elderaffairs.org.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: RULE TITLE:

61G4-15.0021 Business Organizations

The Construction Industry Licensing Board announces a hearing to which all persons are invited.

DATE AND TIME: Friday, August 16, 2019, 8:30 a.m., or as soon thereafter as can be heard.

PLACE: One Ocean, 1 Ocean Blvd., Atlantic Beach, Florida 32233, (904)249-7402

GENERAL SUBJECT MATTER TO BE CONSIDERED: A rule hearing on the above rule, as noticed in Vol. 45, No. 141, July 22, 2019, issue of the Florida Administrative Register, will be held to discuss proposed text of the rule.

A copy of the agenda may be obtained by contacting: Daniel Biggins, Executive Director, Construction Industry Licensing Board, 2601 Blair Stone Road, Tallahassee, Florida 32399-1039.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five days before the workshop/meeting by contacting: Daniel Biggins, Executive Director, at the address listed above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:

62-304.515 Kissimmee River Basin TMDLs

The Department of Environmental Protection announces a workshop to which all persons are invited.

DATE AND TIME: August 27, 2019, 2:00 p.m.

PLACE: Latt Maxcy Memorial Library, 15 N Magnolia Ave., Frostproof, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comments on draft nutrient total maximum daily loads (TMDLs) for impaired waters in the Kissimmee River Basin, to be adopted in Rule 62-304.515, F.A.C. The draft TMDLs to be presented at the public workshop are for Reedy Lake (WBID 1685D), Lake Ida (1685E), Hickory Lake (1730), Lake Clinch (1706), and Lake Adelaide (1730D). These nutrient TMDLs, if adopted, will constitute site-specific numeric interpretations of the narrative nutrient criterion set forth in paragraph 62-302.530(48)(b), F.A.C., that would replace the otherwise applicable numeric nutrient criteria in subsection 62-302.531(2) for these particular waters. The Department will accept written comments on the draft TMDLs, as well as the establishment of these nutrient TMDLs as site-specific interpretations of the narrative nutrient criterion, through September 13, 2019. Written comments should be directed to: Erin Rasnake, Program Administrator, Florida Department of Environmental Protection, MS 3555, 2600 Blair

Stone Road, Tallahassee, Florida 32399-2400, Erin.Rasnake@Floridadep.gov.

A copy of the agenda may be obtained by contacting: Ms. Shamyah Gibson, Department of Environmental Protection, MS 3555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8449.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Shamyah Gibson, (850)245-8449. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

NORTHWEST FLORIDA AREA AGENCY ON AGING

The Northwest Florida Area Agency on Aging, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: August 8, 2019, 5:00 p.m.

PLACE: 5090 Commerce Park Circle, Pensacola, FL 32505

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Director's Annual Evaluation

A copy of the agenda may be obtained by contacting: Amber McCool at (850)494-7101 or mccoola@nwflaaa.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Amber McCool at (850)494-7101 or mccoola@nwflaaa.org.

FLORIDA SELF-INSURERS GUARANTY ASSOCIATION

The Florida Self-Insurers Guaranty Association, Inc., Audit Committee of its Board of Directors announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, August 13, 2019, 12:00 Noon

PLACE: Orlando World Center Marriott, 8701 World Center Drive, Orlando, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Brian Gee, Executive Director, (850)222-1882.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Jane Strickland, Administrative Assistant, Florida Self-Insurers Guaranty Association at (850)222-1882. If you are hearing or speech impaired, please contact the agency using

the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FLORIDA SELF-INSURERS GUARANTY ASSOCIATION
The Florida Self-Insurers Guaranty Association, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, August 13, 2019, 2:30 p.m.

PLACE: Orlando World Center Marriott, 8701 World Center Drive, Orlando, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will meet to discuss general business of the Association.

A copy of the agenda may be obtained by contacting: Brian Gee, Executive Director, Florida Self-Insurers Guaranty Association, Inc., 1427 E. Piedmont Drive, 2nd Floor, Tallahassee, FL 32308, (850)222-1882.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Jane Strickland, Administrative Assistant, Florida Self-Insurers Guaranty Association at (850)222-1882. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

SUNSHINE STATE ONE CALL OF FLORIDA

The Sunshine State One Call of Florida, Inc., d/b/a Sunshine 811 announces a public meeting to which all persons are invited.

DATES AND TIMES: Strategic Planning Meeting, Wednesday, August 14, 2019, 8:30 a.m. – 5:00 p.m.; Committee Meetings, Thursday, August 15, 2019, 8:30 a.m. – 5:00 p.m.; Board of Directors Meetings, Friday, August 16, 2019, 8:30 a.m. – 5:00 p.m.

PLACE: The Shores Resort and Spa, 2637 South Atlantic Avenue, Daytona Beach Shores, Florida 32118.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Strategic Planning Meeting, Committee Meetings, Board of Directors Meetings

A copy of the agenda may be obtained by contacting: **AGENDA** for August 14, 15 & 16, 2019: www.sunshine811.com/agenda.

For more information, you may contact: Lori Budiani, Executive Assistant: lori.budiani@sunshine811.com.

Section VII
Notice of Petitions and Dispositions
Regarding Declaratory Statements

NONE

Section VIII
Notice of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notice of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF MILITARY AFFAIRS
214064 Pensacola Pre-Engineered Metal Building, Pensacola, FL
STATE OF FLORIDA, DEPARTMENT OF MILITARY AFFAIRS
PUBLIC ANNOUNCEMENT
INVITATION TO BID
Issuing Agency: Department of Military Affairs

Project Number and Name: 214064 Pensacola Pre-Engineered Metal Building

Project Location: Pensacola, Florida

General Statement of Work: This project consists of the Construction of a new Pre-Engineered Metal Storage Building and appurtenances at the Pensacola Readiness Center – Florida National Guard, Pensacola, Florida and includes but is not limited to selective demolition, parking lot repair, new pre-engineered metal building, concrete slab and foundation system mechanical ventilation and electrical power and lights, relocation of existing Conex storage containers to a place, on the armory property designated by the owner. The building is 1,500 sf (approx) and is surrounded by an additional 1,200 sf (approx) of exterior concrete slab.

Estimated Construction Cost (range): \$350,000 - \$400,000

Type of Contractor: General Contractor

Date of VBS Posting: July 26, 2019

Mandatory Site Visit Date: As stated on the Vendor Bid System

Bid Opening Date: As stated on the Vendor Bid System (late bids will not be accepted)

Point of Contact: Department of Military Affairs, CFMO Contract Management Office at (904)823-0255 or e-mail ng.fl.flarnng.list.cfmo-contracting@mail.mil.

FOR COMPLETE INFORMATION AND SUBMISSION REQUIREMENTS PLEASE REFER TO THE MYFLORIDA.COM VENDOR BID SYSTEM AT: http://vbs.dms.state.fl.us/vbs/main_menu.

Section XII Miscellaneous

DEPARTMENT OF STATE

Index of Administrative Rules Filed with the Secretary of State Pursuant to subparagraph 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 3:00 p.m., Friday, July 19, 2019 and 3:00 p.m., Thursday, July 25, 2019.

Rule No.	File Date	Effective Date
5J-24.001	7/19/2019	8/8/2019
5J-24.002	7/19/2019	8/8/2019
14B-1.001	7/19/2019	8/8/2019
14B-1.002	7/19/2019	8/8/2019
14B-1.004	7/19/2019	8/8/2019
61A-5.0105	7/23/2019	8/12/2019
61A-5.747	7/23/2019	8/12/2019

61G19-6.008	7/19/2019	8/8/2019
62-304.800	7/24/2019	8/13/2019
64B15-12.007	7/23/2019	8/12/2019
64B15-12.0075	7/23/2019	8/12/2019
64B15-13.001	7/23/2019	8/12/2019
64B15-13.002	7/23/2019	8/12/2019
64B15-14.0075	7/23/2019	8/12/2019
64B15-14.013	7/23/2019	8/12/2019
LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES		
Rule No.	File Date	Effective Date
60FF1-5.009	7/21/2016	**/**/****
64B8-10.003	12/9/2015	**/**/****
69L-3.009	12/5/2018	**/**/****

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Fruit and Vegetables

Public Notice

A properly noticed meeting of the Citrus Research and Development Foundation, Inc., Advisory Council for the Citrus Marketing Order was held on June 12, 2019, 9:30 a.m. in Bonita Springs, FL. The Advisory Council, by unanimous vote, adopted a resolution to recommend continuation of the citrus box tax at the current assessment rate of three cents (\$.03) per each standard packed box of citrus fruit for the season August 1, 2019 through July 31, 2020. In accordance with the Citrus Research Order and section 573.118, Florida Statutes, The Department of Agriculture and Consumer Services will continue the assessment rate at three cents (\$.03) per each standard packed box of citrus fruit for the 2019-2020 season.

DEPARTMENT OF FINANCIAL SERVICES

Division of Treasury

Quarterly List of Qualified Public Depositories

DEPARTMENT OF FINANCIAL SERVICES

DIVISION OF TREASURY

BUREAU OF COLLATERAL MANAGEMENT

PUBLIC DEPOSITS SECTION

FOR PUBLIC DEPOSITORS TO RECEIVE THE PROTECTION FROM LOSS PROVIDED IN CHAPTER 280, FLORIDA STATUTES, THEY SHALL COMPLY WITH THE FOLLOWING ON EACH PUBLIC DEPOSIT ACCOUNT IN ADDITION TO ANY OTHER REQUIREMENTS SPECIFIED IN CHAPTER 280: (1) EXECUTE THE PUBLIC DEPOSIT IDENTIFICATION AND ACKNOWLEDGMENT FORM DFS-J1-1295 WITH THE QUALIFIED PUBLIC DEPOSITORY (QPD), MAINTAIN IT AS A VALUABLE RECORD, AND CONFIRM THE ACCOUNT ANNUALLY; (2) EXECUTE A REPLACEMENT FORM DFS-J1-1295 WHEN THERE IS A MERGER, ACQUISITION, NAME CHANGE, OR OTHER EVENT WHICH CHANGES THE ACCOUNT NAME, ACCOUNT NUMBER, OR NAME OF THE QPD.

THE FOLLOWING QPDS ARE AUTHORIZED TO HOLD PUBLIC DEPOSITS. THE CITIES AND STATES LISTED ARE THE HOME OFFICE LOCATIONS. **QPDS MARKED WITH AN ASTERISK HAVE LIMITED THE AMOUNT OF PUBLIC DEPOSITS THEY WILL ADMINISTER. QPDS HAVING A DATE BESIDE THEIR NAME ARE IN THE PROCESS OF WITHDRAWING FROM THE PROGRAM AND SHALL NOT RECEIVE OR RETAIN PUBLIC DEPOSITS AFTER THE DATE SHOWN. THEY MAY, HOWEVER, HAVE CERTAIN OBLIGATIONS TO THE PROGRAM AFTER THAT DATE WITH WHICH THEY MUST COMPLY BEFORE CONCLUDING THE WITHDRAWAL PROCESS.**

ALABAMA

ANDALUSIA
CCB COMMUNITY BANK

ATMORE
UNITED BANK

BIRMINGHAM
COMPASS BANK
REGIONS BANK

HOMEWOOD
SERVISFIRST BANK

HUNTSVILLE
PROGRESS BANK AND TRUST

ARKANSAS

CONWAY
CENTENNIAL BANK

DELAWARE

WILMINGTON
PNC BANK, N.A.
TD BANK, N.A.

FLORIDA

ARCADIA
CREWS BANK & TRUST

BELLE GLADE
BANK OF BELLE GLADE

BOCA RATON
LEGACY BANK OF FLORIDA
PARADISE BANK

CHIEFLAND
DRUMMOND COMMUNITY BANK

CLEWISTON
FIRST BANK

CORAL GABLES
AMERANT BANK, N.A.
BAC FLORIDA BANK
BANESCO USA
PROFESSIONAL BANK

DADE CITY
FIRST NATIONAL BANK OF PASCO

DELAND
MAINSTREET COMMUNITY BANK OF FLORIDA
SURETY BANK

DESTIN
FIRST FLORIDA BANK

DORAL
U.S. CENTURY BANK

ENGLEWOOD
ENGLEWOOD BANK & TRUST

FORT MYERS
EDISON NATIONAL BANK

FINEMARK NATIONAL BANK & TRUST

FORT WALTON BEACH
BEACH COMMUNITY BANK
FIRST CITY BANK OF FLORIDA *
FNBT BANK

FROSTPROOF
CITIZENS BANK AND TRUST

GRACEVILLE
PEOPLES BANK OF GRACEVILLE

INVERNESS
BRANNEN BANK

JACKSONVILLE
FLORIDA CAPITAL BANK, N.A.
TIAA, FSB DBA EVERBANK

KEY WEST
FIRST STATE BANK OF THE FLORIDA KEYS

LAKE CITY
COLUMBIA BANK
FIRST FEDERAL BANK

LAKELAND
BANK OF CENTRAL FLORIDA

MADISON
MADISON COUNTY COMMUNITY BANK

MAITLAND
AXIOM BANK, N.A.
FIRST COLONY BANK OF FLORIDA

MAYO
LAFAYETTE STATE BANK *

MERRITT ISLAND
COMMUNITY BANK OF THE SOUTH
FIDELITY BANK OF FLORIDA, N.A.

MIAMI
APOLLO BANK
BRICKELL BANK
CITY NATIONAL BANK OF FLORIDA
CONTINENTAL NATIONAL BANK
EASTERN NATIONAL BANK
EXECUTIVE NATIONAL BANK

GROVE BANK & TRUST
OCEAN BANK
PACIFIC NATIONAL BANK
SUNSTATE BANK

MIAMI LAKES
BANKUNITED, N.A.

MOUNT DORA
FIRST NATIONAL BANK OF MOUNT DORA, THE

NAPLES
FIRST FLORIDA INTEGRITY BANK

NICEVILLE
PNB COMMUNITY BANK

OAKLAND PARK
AMERICAN NATIONAL BANK

OCALA
COMMUNITY BANK & TRUST OF FLORIDA

ORLANDO
ONE FLORIDA BANK
SEASIDE NATIONAL BANK & TRUST

OVIEDO
CITIZENS BANK OF FLORIDA

PALM COAST
INTRACOASTAL BANK

PANAMA CITY
FIRST NATIONAL BANK NORTHWEST FLORIDA
SUMMIT BANK, N.A.

PENSACOLA
BANK OF THE SOUTH

PERRY
CITIZENS STATE BANK

PORT CHARLOTTE
CHARLOTTE STATE BANK & TRUST

ST. PETERSBURG
FIRST HOME BANK
RAYMOND JAMES BANK, N.A.

SEBRING
HEARTLAND NATIONAL BANK

SOUTH MIAMI
FIRST NATIONAL BANK OF SOUTH MIAMI

STARKE
COMMUNITY STATE BANK

STUART
SEACOAST NATIONAL BANK

TALLAHASSEE
CAPITAL CITY BANK
PRIME MERIDIAN BANK

TAMPA
BANK OF TAMPA, THE
CENTRAL BANK
FIRST CITRUS BANK
PILOT BANK

THE VILLAGES
CITIZENS FIRST BANK

UMATILLA
UNITED SOUTHERN BANK

VERO BEACH
MARINE BANK & TRUST COMPANY

WAUCHULA
FIRST NATIONAL BANK OF WAUCHULA
WAUCHULA STATE BANK

WEST PALM BEACH
FIRST BANK OF THE PALM BEACHES
FLAGLER BANK

WINTER HAVEN
CENTERSTATE BANK, N.A.

GEORGIA

ALMA
PINELAND BANK

ATLANTA
CADENCE BANK, N.A.
SUNTRUST BANK

COLQUITT
PEOPLESSOUTH BANK

COLUMBUS
SYNOVUS BANK

DARIEN
SOUTHEASTERN BANK

HINESVILLE
THE HERITAGE BANK

MOULTRIE
AMERIS BANK

ILLINOIS

CHAMPAIGN
BUSEY BANK

CHICAGO
BMO HARRIS BANK, N.A.
NORTHERN TRUST COMPANY, THE

IOWA

FORT DODGE
FIRST AMERICAN BANK

IOWA CITY
MIDWESTONE BANK

KENTUCKY

LOUISVILLE
REPUBLIC BANK & TRUST COMPANY

LOUISIANA

LAFAYETTE
IBERIABANK

PLAQUEMINE
ANTHEM BANK & TRUST

MASSACHUSETTS

BOSTON
ONEUNITED BANK

MISSISSIPPI

FOREST

COMMUNITY BANK OF MISSISSIPPI

GULFPORT

HANCOCK WHITNEY BANK

HATTIESBURG

THE FIRST, A NATIONAL BANKING ASSOCIATION

JACKSON

TRUSTMARK NATIONAL BANK

TUPELO

BANCORPSOUTH BANK

RENASANT BANK

NEW JERSEY

PASSAIC

VALLEY NATIONAL BANK

NEW YORK

GLENVILLE

TRUSTCO BANK

NEW YORK CITY

BANK LEUMI USA

POPULAR BANK

NORTH CAROLINA

CHARLOTTE

BANK OF AMERICA, N.A.

WINSTON-SALEM

BRANCH BANKING AND TRUST COMPANY

OHIO

CINCINNATI

FIFTH THIRD BANK

U.S. BANK N.A.

COLUMBUS

JPMORGAN CHASE BANK, N.A.

SOUTH DAKOTA

SIOUX FALLS

CITIBANK, N.A.

WELLS FARGO BANK, N.A.

TENNESSEE

MEMPHIS

FIRST TENNESSEE BANK N.A.

PIGEON FORGE

SMARTBANK

TEXAS

COLLEGE STATION

AMERICAN MOMENTUM BANK

PUERTO RICO

SAN JUAN

FIRSTBANK PUERTO RICO

THE FOLLOWING IS A LIST OF INSTITUTIONS THAT HAD A CHANGE SINCE THE LAST PUBLICATION OF THIS REPORT.

FIDELITY BANK

ATLANTA, GEORGIA

FIDELITY BANK, A QPD WITH A HOME OFFICE LOCATED IN ATLANTA, GEORGIA WAS MERGED WITH AND INTO AMERIS BANK, A QPD WITH A HOME OFFICE LOCATED IN MOULTRIE, GEORGIA EFFECTIVE AT THE OPENING OF BUSINESS ON JULY 1, 2019.

ONE FLORIDA BANK

CHIPLEY, FLORIDA

ONE FLORIDA BANK, MOVED ITS HOME OFFICE LOCATION FROM CHIPLEY, FLORIDA TO ORLANDO, FLORIDA EFFECTIVE MARCH 25, 2019.

Section XIII

Index to Rules Filed During Preceding Week

NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.