A bill to be entitled
An act relating to consumer finance pilot program;
creating s. 516.40, F.S.; establishing the Access to
Responsible Credit Pilot Program within the Office of
Financial Regulation; providing legislative findings
and intent; creating s. 516.41, F.S.; providing
definitions; creating s. 516.42, F.S.; requiring
persons to obtain a program license from the office
before making program loans; providing licensure
requirements; specifying application and renewal fees;
requiring a program licensee's program branch offices
to be licensed; providing program branch office
license and license renewal requirements; creating s.
516.43, F.S.; providing requirements for program
licensees, disclosures and statements provided by
program licensees to borrowers, origination fees,
insufficient funds fees, and delinquency charges;
requiring program licensees to provide certain credit
education and reporting information to borrowers and
to report payment performance of borrowers to consumer
reporting agency; prohibiting the office from
approving a program licensee applicant before the
applicant has been accepted as a data furnisher by
consumer reporting agency; specifying requirements for
program licensees to underwrite program loans;
prohibiting program licensees from requiring certain
waivers from borrowers; providing applicability;
creating s. 516.44, F.S.; requiring program licensees
and referral partners to enter into a written referral
partner agreement; specifying referral partner
services which may be used by program licensees;
specifying procedures for receipt or disbursement by
referral partners of program loan payments made by
borrowers; exempting specified borrowers from
liability under certain circumstances; prohibiting
certain activities by referral partners; providing
disclosure statement requirements; providing
requirements, prohibitions, and limitations relating
to program licensees compensating referral partners;
requiring program licensees to provide the office with
a specified notice after contracting with referral
partners; requiring referral partners to provide
program licensees with a certain written notice within
a specified time; providing that program licensees are
responsible for acts of their referral partners;
requiring program licensees to pay a specified fee to
the office for each of their referral partners;
creating s. 516.45, F.S.; requiring the office to
examine program licensees at certain intervals
beginning on a specified date; providing an exception;
requiring program licensees to reimburse the office for examination costs; authorizing the office to maintain an action for the recovery of such costs; authorizing a method for the office to determine such costs; limiting the scope of certain examinations and investigations; authorizing the office to take certain disciplinary action against program licensees and referral partners; creating s. 516.46, F.S.; requiring program licensees to file an annual report with the office beginning on a specified date; requiring the office to post an annual report on its website by a specified date; specifying information to be contained in the reports; providing for conditional future repeal of the program; providing an effective date.

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

Section 1. Section 516.40, Florida Statutes, is created to read:

516.40 Access to Responsible Credit Pilot Program.—
(1) The Access to Responsible Credit Pilot Program is created within the Office of Financial Regulation.
(2) The Legislature finds that demand for responsible consumer finance loans in principal amounts of at least $300 but not more than $10,000 exceeds the supply of these loans. As a
first step toward addressing this gap, the Access to Responsible
Credit Pilot Program would allow more Floridians to obtain
responsible consumer finance loans in principal amounts of at
least $300 but not more than $10,000. The pilot program is
intended to assist consumers in building their credit and
provides additional consumer protections for these loans that
exceed current protections under general law.

Section 2. Section 516.41, Florida Statutes, is created to
read:

516.41 Definitions.— As used in ss. 516.40-516.46, the
term:
(1) "Consumer reporting agency" has the same meaning as in
s. 603(p) of the Fair Credit Reporting Act, 15 U.S.C. s.
1681a(p).
(2) "Credit score" has the same meaning as in s.
1681g(f)(2)(A).
(3) "Data furnisher" has the same meaning as the term
furnisher in 12 C.F.R. s. 1022.41(c).
(4) "Pilot program" or "program" means the Access to
Responsible Credit Pilot Program.
(5) "Pilot program license" or "program license" means a
license issued under ss. 516.40-516.46 authorizing a program
licensee to make and collect pilot program loans.
(6) "Program branch office license" means a location,
other than a program licensee's or referral partner's principal place of business:

(a) The address of which appears on business cards, stationery, or advertising used by the program licensee in connection with business conducted under this chapter;

(b) At which the program licensee's name, advertising or promotional materials, or signage suggests that program loans are originated, negotiated, funded, or serviced by the program licensee; or

(c) At which program loans are originated, negotiated, funded, or serviced by the program licensee.

(7) "Program licensee" means a person who is licensed to make and collect program loans under this chapter and who is approved by the office to participate in the program.

(8) "Program loan" means a consumer finance loan with a principal amount of at least $300 but not more than $10,000 originated pursuant to ss. 516.40–516.46, excluding the amount of the origination fee authorized under s. 516.43(3).

(9) "Referral partner" means an entity that, at the referral partner's physical business location or through other means, performs one or more of the services authorized in s. 516.44(2) on behalf of a program licensee. A referral partner is not a credit service organization as defined in s. 817.7001 or a loan broker as defined in s. 687.14.

(10) "Refinance program loan" means a program loan that
extends additional principal to a borrower and replaces and
revises an existing program loan contract with the borrower. A
refinance program loan does not include an extension, a
deferral, or a rewrite of the program loan.

Section 3. Section 516.42, Florida Statutes, is created to
read:

516.42 Requirements for program participation; program
application requirements; fees.—

(1) A person may not advertise, offer, or make a program
loan, or impose any charges or fees pursuant to s. 516.43,
unless the person obtains a pilot program license from the
office.

(2)(a) In order to obtain a pilot program license and
participate in the program, a person must:

1. Be licensed to make consumer finance loans under s.
516.05.

2. Not be the subject of any insolvency proceeding.

3. Not be subject to the issuance of a cease and desist
order; the issuance of a removal order; the denial, suspension,
or revocation of a license; or any other action within the
authority of the office or any financial regulatory agency in
this state.

4. Not have a deficiency at the time of the person's
application.

5. Pay a nonrefundable application fee of $1,000 to the
office at the time of making the application, pursuant to rule of the commission.

(b) A program applicant must file with the office a digital application in a form and manner prescribed by rule of the commission which contains all of the following information with respect to the applicant:

1. The legal business name and any other name under which the applicant operates.
2. The main address.
3. The telephone number and e-mail address.
4. The address of each program branch office.
5. The contact person's name, title, address, telephone number, and e-mail address.
6. The license number, if licensed under this chapter.
7. A statement as to whether the applicant intends to use the services of one or more referral partners under s. 516.44.
8. A statement that the applicant has been accepted as a data furnisher by a consumer reporting agency and will report to a consumer reporting agency the payment performance of each borrower on all program loans.
9. The signature and certification of any person authorized by the applicant.

(3) A person who desires to participate in the program but who is not licensed to make consumer finance loans pursuant to s. 516.05 must concurrently submit the following digital
applications to the office, in a form and manner specified in this chapter:

(a) An application and a fee pursuant to s. 516.03 for licensure to make consumer finance loans.

(b) An application and a fee for admission to the program in accordance with subsection (2).

(4) Except as otherwise provided in ss. 516.40-516.46, a program licensee is subject to all the laws and rules governing consumer finance loans under this chapter.

(5) A program licensee must pay a nonrefundable biennial renewal fee of $1,000 pursuant to rule of the commission.

(6) Notwithstanding s. 516.05(3), only one pilot program license is required for a person to make program loans under ss. 516.40-516.46, regardless of whether the program licensee offers program loans to prospective borrowers at its own physical business locations, through referral partners, or via an electronic access point through which a prospective borrower may directly access the website of the program licensee.

(7) Each branch office of a program licensee must be licensed under this section.

(8) The office must issue a program branch office license to a program licensee after the office determines that the program licensee has submitted a completed electronic application for a program branch office license in a form prescribed by rule of the commission and payment of an initial
nonrefundable program branch office license fee of $30 per branch office as prescribed by rule of the commission. Application fees may not be prorated for partial years of licensure. The program branch office license must be issued in the name of the program licensee that maintains the branch office. An application is considered received for purposes of s. 120.60 upon receipt of a completed application form and the required fees. The application for a program branch office license must contain the following information:

(a) The legal business name and any other name under which the applicant operates.

(b) The applicant's main address.

(c) The telephone number and e-mail address.

(d) The address of each program branch office.

(e) The contact person's name, title, address, telephone number, and e-mail address.

(f) The applicant's license number, if licensed under this chapter.

(g) The signature and certification of any person authorized by the applicant.

(9) A program branch office license must be renewed biennially at the time of renewing the program license under subsection (5). A nonrefundable branch renewal fee of $30 per program branch office, established by rule of the commission, must be submitted at the time of renewal.
Section 4. Section 516.43, Florida Statutes, is created to read:

516.43 Requirements for program loans.—

(1) REQUIREMENTS.—A program licensee must comply with each of the following requirements in making program loans:

(a) A program loan must be unsecured.

(b) A program loan must have a term of at least 120 days but not more than 60 months and may not have a prepayment penalty.

(c) A program loan must be repayable by the borrower in substantially equal periodic installments, except that the final payment may be less than the amount of the prior installments. Installments must be due either every 2 weeks, semimonthly, or monthly.

(d) A program loan must include a borrower's right to rescind the program loan by notifying the program licensee of the borrower's intent to rescind the program loan and returning the principal advanced by the end of the business day after the day the program loan is consummated.

(e) Notwithstanding s. 516.031, the maximum annual interest rate charged on a program loan to the borrower is 36 percent on that portion of the unpaid principal balance up to and including $3,000; 30 percent on that portion of the unpaid principal balance that is more than $3,000 and up to and including $4,000; and 24 percent on that portion of the unpaid principal balance that is more than $4,000.
principal balance that is more than $4,000 and up to and
including $10,000. The original principal amount of the program
loan is equal to the amount financed as defined by the federal
Truth in Lending Act and Regulation Z of the federal Consumer
Financial Protection Bureau. In determining compliance with the
maximum annual interest rates in this paragraph, the
computations used must be simple interest through the
application of a daily periodic rate to the actual unpaid
principal balance each day and may not be added-on interest or
any other computations.

(f) If two or more interest rates are applied to the
principal amount of a program loan, the program licensee may
charge, contract for, and receive interest at that single annual
percentage rate which, if applied according to the actuarial
method to each of the scheduled periodic balances of principal,
would produce at maturity the same total amount of interest as
would result from the application of the two or more rates
otherwise permitted, based upon the assumption that all payments
are made as agreed.

(g) The program licensee must reduce the rate on each
subsequent program loan to the same borrower by a minimum of
one-twelfth of 1 percent per month, if all of the following
conditions are met:

1. The subsequent program loan is originated no more than
180 days after the prior program loan is fully repaid.
2. The borrower was never more than 15 days delinquent on the prior program loan.

3. The prior program loan was outstanding for at least one-half of its original term before its repayment.

(h) A program licensee may not induce or permit any person to become obligated to the program licensee, directly or contingently, or both, under more than one program loan at the same time with the program licensee.

(i) A program licensee may not refinance a program loan unless all of the following conditions are met at the time the borrower submits an application to refinance:

1. The principal amount payable may not include more than 60 days' unpaid interest accrued on the previous program loan pursuant to s. 516.031(5).

2. For program loans with an original term up to and including 25 months, the borrower has repaid at least 60 percent of the outstanding principal remaining on his or her existing program loan.

3. For program loans with an original term of greater than 25 months, but not more than 60 months, the borrower has made current payments for at least 9 months on his or her existing program loan.

4. The borrower is current on payments for his or her existing program loan.

5. The program licensee must underwrite the new program
loan in accordance with subsection (7).

(j) In lieu of the provisions of s. 687.08, a program
licensee or, if applicable, its approved referral partner must
make available to the borrower by electronic or physical means a
plain and complete receipt of payment at the time that a payment
is made by the borrower. For audit purposes, a program licensee
must maintain an electronic record for each receipt made
available to a borrower, which must include a copy of the
receipt and the date and time that the receipt was generated.

Each receipt of payment must show all of the following:

1. The name of the borrower.
2. The name of the referral partner, if applicable.
3. The total payment amount received.
4. The date of payment.
5. The program loan balance before and after application
   of the payment.
6. The amount of the payment that was applied to the
   principal, interest, and fees.
7. The type of payment made by the borrower.
8. The following statement, prominently displayed in a
type size equal to or greater than the type size used to display
the other items on the receipt: "If you have any questions about
your loan now or in the future, you should direct those
questions to ...(name of program licensee)... by ...(at least
two different ways in which a borrower may contact the program

(2) DISCLOSURES AND STATEMENTS.—

(a) Notwithstanding s. 516.15(1), the loan contract and all written disclosures and statements may be provided by a program licensee to a borrower in English or any other language in which the loan is negotiated. A program licensee must pay for any translation costs incurred by the office.

(b) The statements required in s. 516.15 must be provided by a program licensee to a borrower.

(3) ORIGINATION FEES.—Notwithstanding s. 516.031, a program licensee may:

(a) Contract for and receive an origination fee from a borrower on a program loan. The program licensee may either deduct the origination fee from the principal amount of the loan disbursed to the borrower or capitalize the origination fee into the principal balance of the loan. The origination fee is fully earned and nonrefundable immediately upon the making of the program loan and may not exceed the lesser of 6 percent of the principal amount of the program loan made to the borrower, exclusive of the origination fee, or $75.

(b) Not charge a borrower an origination fee more than twice in any 12-month period.

(4) INSUFFICIENT FUNDS FEES AND DELINQUENCY CHARGES.—Notwithstanding s. 516.031, a program licensee may:

(a) Require payment from a borrower of no more than $20
for fees incurred by the program licensee from a dishonored payment due to insufficient funds of the borrower.

(b) Contract for and receive a delinquency charge of up to $15 for each calendar month for each payment in default for at least 10 days if the charge is agreed upon in writing between the program licensee and the borrower before it is imposed.

The program licensee or any wholly owned subsidiary of the program licensee may not sell or assign an unpaid debt for collection purposes unless the debt has been delinquent for at least 30 days.

(5) CREDIT EDUCATION.—Before disbursement of program loan proceeds to the borrower, the program licensee must:

(a) Direct the borrower to the consumer credit counseling services offered by an independent third party; or

(b) Provide a credit education program or seminar to the borrower. The borrower may not be required to participate in any of these education programs or seminars. A credit education program or seminar offered pursuant to this paragraph must be provided at no cost to the borrower.

(6) CREDIT REPORTING.—

(a) The program licensee must report each borrower's payment performance to at least one consumer reporting agency that compiles and maintains files on consumers on a nationwide basis. As used in this section, the term "consumer reporting
agency that compiles and maintains files on consumers on a
nationwide basis" has the same meaning as in s. 603(p) of the
Fair Credit Reporting Act, 15 U.S.C. s. 1681a(p).

(b) The office may not approve a program licensee
applicant before the applicant has been accepted as a data
furnisher by a consumer reporting agency.

c) The program licensee must provide each borrower with
the name or names of the consumer reporting agency or agencies
to which it will report the borrower's payment history.

(7) PROGRAM LOAN UNDERWRITING.—

(a) The program licensee must underwrite each program loan
to determine a borrower's ability and willingness to repay the
program loan pursuant to the program loan terms. The program
licensee may not make a program loan if it determines that the
borrower's total monthly debt service payments at the time of
origination, including the program loan for which the borrower
is being considered and all outstanding forms of credit that can
be independently verified by the program licensee, exceed 35
percent of the borrower's gross monthly income.

(b)1. The program licensee must seek information and
documentation pertaining to all of a borrower's outstanding debt
obligations during the loan application and underwriting
process, including loans that are self-reported by the borrower
but not available through independent verification. The program
licensee must verify such information using a credit report from
at least one consumer reporting agency that compiles and
maintains files on consumers on a nationwide basis or through
other available electronic debt verification services that
provide reliable evidence of a borrower's outstanding debt
obligations.

2. The program licensee is not required to consider loans
made to a borrower by friends or family in determining the
borrower's debt-to-income ratio.

(c) The program licensee must also verify the borrower's
income to determine the debt-to-income ratio using information
from:

1. Electronic means or services that provide reliable
evidence of the borrower's actual income; or

2. Internal Revenue Service Form W-2, tax returns, payroll
receipts, bank statements, or other third-party documents that
provide reasonably reliable evidence of the borrower's actual
income.

(8) WAIVERS.—

(a) A program licensee may not require, as a condition of
providing the program loan, that the borrower:

1. Waive any right, penalty, remedy, forum, or procedure
provided for in any law applicable to the program loan,
including the right to file and pursue a civil action or file a
complaint with or otherwise communicate with the office, a
court, or any other governmental entity.
2. Agree to the application of laws other than those of this state.
3. Agree to resolve disputes in a jurisdiction outside of this state.

(b) A waiver that is required as a condition of doing business with the program licensee is presumed involuntary, unconscionable, against public policy, and unenforceable.

(c) A program licensee may not refuse to do business with or discriminate against a borrower or an applicant on the basis that the borrower or applicant refuses to waive any right, penalty, remedy, forum, or procedure, including the right to file and pursue a civil action or complaint with, or otherwise notify, the office, a court, or any other governmental entity. The exercise of a person's right to refuse to waive any right, penalty, remedy, forum, or procedure, including a rejection of a contract requiring a waiver, does not affect any otherwise legal terms of a contract or an agreement.

(d) This subsection does not apply to any agreement to waive any right, penalty, remedy, forum, or procedure, including any agreement to arbitrate a claim or dispute after a claim or dispute has arisen. This subsection does not affect the enforceability or validity of any other provision of the contract.

Section 5. Section 516.44, Florida Statutes, is created to read:
516.44 Referral partners.—

(1) REFERRAL PARTNER AGREEMENT.—All arrangements between a program licensee and a referral partner must be specified in a written referral partner agreement between the parties. The agreement must contain a provision that the referral partner agrees to comply with this section and all rules adopted under this section regarding the activities of referral partners, and that the office has access to the referral partner's books and records pertaining to the referral partner's operations under the agreement with the program licensee in accordance with s. 516.45(4) and may examine the referral partner pursuant to s. 516.45.

(2) AUTHORIZED SERVICES.—A program licensee may use the services of one or more referral partners as provided in this section. A referral partner may perform one or more of the following services for a program licensee:

(a) Distributing, circulating, using, or publishing printed brochures, flyers, fact sheets, or other written materials relating to program loans that the program licensee may make or negotiate. The written materials must be reviewed and approved in writing by the program licensee before being distributed, circulated, used, or published.

(b) Providing written factual information about program loan terms, conditions, or qualification requirements to a prospective borrower which has been prepared by the program licensee.
licensee or reviewed and approved in writing by the program licensee. A referral partner may discuss the information with a prospective borrower in general terms.

(c) Notifying a prospective borrower of the information needed in order to complete a program loan application.

(d) Entering information provided by the prospective borrower on a preprinted or an electronic application form or in a preformatted computer database.

(e) Assembling credit applications and other materials obtained in the course of a credit application transaction for submission to the program licensee.

(f) Contacting the program licensee to determine the status of a program loan application.

(g) Communicating a response that is returned by the program licensee's automated underwriting system to a borrower or a prospective borrower.

(h) Obtaining a borrower's signature on documents prepared by the program licensee and delivering final copies of the documents to the borrower.

(i) Disbursing program loan proceeds to a borrower if this method of disbursement is acceptable to the borrower, subject to the requirements of subsection (3). A loan disbursement made by a referral partner under this paragraph is deemed to be made by the program licensee on the date that the funds are disbursed or otherwise made available by the referral partner to the
(j) Receiving a program loan payment from the borrower if this method of payment is acceptable to the borrower, subject to the requirements of subsection (3).

(k) Operating an electronic access point through which a prospective borrower may directly access the website of the program licensee to apply for a program loan.

(3) RECEIPT OR DISBURSEMENT OF PROGRAM LOAN PAYMENTS.—

(a) A loan payment made by a borrower to a referral partner under paragraph (2)(j) must be applied to the borrower's program loan and deemed received by the program licensee as of the date the payment is received by the referral partner.

(b) A referral partner that receives loan payments must deliver or cause to be delivered to the borrower a plain and complete receipt showing all of the information specified in s. 516.43(1)(j) at the time that the payment is made by the borrower.

(c) A borrower who submits a loan payment to a referral partner under this subsection is not liable for a failure or delay by the referral partner in transmitting the payment to the program licensee.

(d) A referral partner that disburses or receives loan payments pursuant to paragraph (2)(i) or paragraph (2)(j) must maintain records of all disbursements made and loan payments received for a period of at least 2 years.
(4) PROHIBITED ACTIVITIES.—A referral partner may not engage in any of the following activities:

(a) Providing counseling or advice to a borrower or prospective borrower with respect to any loan term.

(b) Providing loan-related marketing material that has not previously been approved by the program licensee to a borrower or a prospective borrower.

(c) Negotiating a loan term between a program licensee and a prospective borrower.

(d) Offering information pertaining to a single prospective borrower to more than one program licensee. However, if a program licensee has declined to offer a program loan to a prospective borrower and has so notified the prospective borrower in writing, the referral partner may offer information pertaining to that borrower to another program licensee with whom it has a referral partner agreement.

(e) Requiring a borrower to pay any fees or charges to the referral partner or to any other person in connection with a program loan other than those permitted under ss. 516.40-516.46.

(5) DISCLOSURE STATEMENTS.—

(a) At the time the referral partner receives or processes an application for a program loan, the referral partner must provide the following statement to the applicant on behalf of the program licensee, in at least 10-point type, and must request that the applicant acknowledge receipt of the statement.
in writing:

Your loan application has been referred to us by ...(name of referral partner).... We may pay a fee to ...(name of referral partner).... for the successful referral of your loan application. If you are approved for the loan, ...(name of program licensee).... will become your lender. If you have any questions about your loan, now or in the future, you should direct those questions to ...(name of program licensee).... by ...(insert at least two different ways in which a borrower may contact the program licensee).... If you wish to report a complaint about ...(name of referral partner).... or ...(name of program licensee).... regarding this loan transaction, you may contact the Division of Consumer Finance of the Office of Financial Regulation at 850-487-9687 or http://www.flofr.com.

(b) If the loan applicant has questions about the program loan which the referral partner is not permitted to answer, the referral partner must make a good faith effort to assist the applicant in making direct contact with the program licensee before the program loan is consummated.

(6) COMPENSATION.—
(a) The program licensee may compensate a referral partner in accordance with a written agreement and a compensation schedule that is agreed to by the program licensee and the referral partner, subject to the requirements in paragraph (b).

(b) The compensation of a referral partner by a program licensee is subject to all of the following requirements:

1. Compensation may not be paid to a referral partner in connection with a loan application unless the program loan is consummated.

2. Compensation may not be paid to a referral partner based upon the principal amount of the program loan.

3. Compensation may not be directly or indirectly passed on to a borrower through a fee or other compensation, or a portion of a fee or other compensation, charged to a borrower.

4. Subject to the limitations specified in subparagraphs 1., 2., and 3., the total compensation paid by a program licensee to a referral partner for the services specified in subsection (2) may not exceed the sum of:

   a. Sixty dollars per program loan, on average, assessed annually, whether paid at the time of consummation, through installments, or in a manner otherwise agreed upon by the program licensee and the referral partner; and

   b. Two dollars per payment received by the referral partner on behalf of the program licensee for the duration of the program loan, if the referral partner receives borrower loan
payments on the program licensee's behalf in accordance with subsection (3).

5. The referral partner's location for services and other information required by subsection (7) must be reported to the office.

(c) A program licensee or a referral partner may not pass on to a borrower, whether directly or indirectly, any additional cost or other charge for compensation paid to a referral partner under this program.

(7) NOTICE TO OFFICE.—A program licensee that uses the service of a referral partner must notify the office, in a form and manner prescribed by the commission, within 15 days after entering into a contract with a referral partner regarding all of the following:

(a) The name, business address, and licensing details of the referral partner and all locations at which the referral partner will perform services under this section.

(b) The name and contact information for an employee of the referral partner who is knowledgeable about, and has the authority to execute, the referral partner agreement.

(c) The name and contact information of one or more employees of the referral partner who are responsible for that referral partner's referring activities on behalf of the program licensee.

(d) A statement by the program licensee that it has
conducted due diligence with respect to the referral partner and has confirmed that none of the following applies:

1. The filing of a petition under the United States Bankruptcy Code for bankruptcy or reorganization by the referral partner.

2. The commencement of an administrative or a judicial license suspension or revocation proceeding, or the denial of a license request or renewal, by any state, the District of Columbia, any United States territory, or any foreign country in which the referral partner operates, plans to operate, or is licensed to operate.

3. A felony indictment involving the referral partner or an affiliated party.

4. The felony conviction, guilty plea, or plea of nolo contendere, regardless of adjudication, of the referral partner or an affiliated party.

5. Any suspected criminal act perpetrated in this state relating to activities regulated under this chapter committed by a referral partner.

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

(e) Any other information requested by the office, subject to the limitations specified in s. 516.45(4).

(8) NOTICE OF CHANGES.—A referral partner must provide the program licensee with a written notice sent by registered mail within 30 days after any changes to the information specified in paragraphs (7)(a)-(7)(c) or within 30 days after the occurrence or knowledge of any of the events specified in paragraph (7)(d), whichever is later.

(9) RESPONSIBILITY FOR ACTS OF A REFERRAL PARTNER.—A program licensee is responsible for any act of its referral partner if such act is a violation of this chapter.

(10) REFERRAL PARTNER FEE.—The program licensee must pay to the office, at the time it files a referral partner notice with the office, a one-time nonrefundable fee of $30 for each of its referral partners as prescribed by rule of the commission.

Section 6. Section 516.45, Florida Statutes, is created to read:

516.45 Examinations, investigations, and grounds for disciplinary action.—

(1) Notwithstanding any other law, commencing on January 1, 2019, the office must examine each program licensee that is accepted into the program in accordance with this chapter at least once every 24 months.

(2) Notwithstanding subsection (1), the office may waive
the examination requirement if the office deems that the
examination is not necessary for the protection of the public
due to the centralized operations of the program licensee or
other factors acceptable to the office.

(3) The program licensee must reimburse the office for the
cost of the examination, pursuant to rule of the commission, and
the office may maintain an action for the recovery of the
examination cost in any court of competent jurisdiction. In
determining the cost of the examination, the office may use the
estimated average hourly cost for all persons performing the
examination or any other persons subject to ss. 516.40-516.46
for the fiscal year.

(4) The scope of any examination of a program licensee or
any investigation of a referral partner must be limited to those
books, accounts, records, documents, materials, and matters
reasonably necessary to determine compliance with this chapter.

(5) A program licensee who violates any applicable
provision of this chapter is subject to disciplinary action
pursuant to s. 516.07(2). Such disciplinary action is subject to
the provisions of s. 120.60. A program licensee is also subject
to disciplinary action for a violation of s. 516.44 committed by
any of its referral partners.

(6) The office may take any of the following actions
against a referral partner who violates a provision of s.
516.44:
(a) Disqualify the referral partner from performing services under this chapter.

(b) Prohibit the referral partner from performing services at one or more of its specific locations.

(c) Terminate the written agreement between the referral partner and the program licensee.

(d) Impose an administrative fine not to exceed $1,000 on the referral partner for each violation of s. 516.44.

(e) Prohibit the referral partner from performing any services on behalf of the program licensee if the office deems it to be in the public interest.

Section 7. Section 516.46, Florida Statutes, is created to read:

516.46 Annual reports by program licensee and office.—

(1) Beginning in 2020, on or before March 15 of each year, a program licensee must file a report with the office on a form and in a manner prescribed by the commission by rule. The report must include each of the items specified in subsection (2) for the preceding year using aggregated or anonymized data without reference to any borrower's nonpublic personal information or any program licensee's proprietary or trade secret information.

(2) Beginning in 2021, on or before January 1 of each year, the office must post a report on its website summarizing the use of the program based upon the information contained in the annual reports filed in the preceding year by program
licensees under subsection (1). The report must state the
information using aggregated data so as not to identify any
specific program licensee. The report must specify the period to
which the report corresponds and must include, but is not
limited to, the following for each annual period:

(a) The number of entities that applied to participate in
the program.

(b) The number of entities accepted to participate in the
program.

(c) The reason for rejecting an application for
participation, if applicable. This information must be provided
in a manner that does not identify the entity rejected.

(d) The number of program loan applications received by
program licensees participating in the program, the number of
program loans made pursuant to the program, the total amount
loaned, the distribution of loan lengths upon origination, and
the distribution of interest rates and principal amounts upon
origination among those program loans.

(e) The number of borrowers who obtained more than one
program loan and the distribution of the number of program loans
per borrower.

(f) For borrowers who obtained more than one program loan,
the percentage of those borrowers whose credit scores increased
between successive loans, based on information from at least one
major credit bureau, and the average size of the increase.
(g) The income distribution of borrowers upon program loan origination, including the number of borrowers who obtained at least one program loan and who resided in a low-income or moderate-income census tract at the time of their loan applications.

(h) The number of borrowers who obtained program loans for the following purposes, based on borrower responses at the time of their loan applications indicating the primary purpose for which the program loan was obtained:

1. Pay medical expenses.
2. Pay for vehicle repair or a vehicle purchase.
3. Pay bills.
4. Consolidate debt.
5. Build or repair credit history.
6. Pay other expenses.

(i) The number of borrowers who self-report that they had a bank account at the time of their loan application and the number of borrowers who self-report that they did not have a bank account at the time of their loan application.

(j) For refinance program loans:

1. The number and percentage of borrowers who applied for a refinance program loan.
2. The number and percentage of borrowers who obtained a refinance program loan.

(k) The number and type of referral partners used by
program licensees.

(l) The number and percentage of borrowers who obtained one or more program loans on which delinquency charges were assessed, the total amount of delinquency charges assessed, and the average delinquency charge assessed by dollar amount and as a percentage of the principal amount loaned.

(m) The performance of program loans as reflected by all of the following:

1. The number and percentage of borrowers who experienced at least one delinquency lasting between 7 and 29 days and the distribution of principal loan amounts corresponding to those delinquencies.

2. The number and percentage of borrowers who experienced at least one delinquency lasting between 30 and 59 days and the distribution of principal loan amounts corresponding to those delinquencies.

3. The number and percentage of borrowers who experienced at least one delinquency lasting 60 days or more and the distribution of principal loan amounts corresponding to those delinquencies.

(n) The number and types of violations of ss. 516.40-516.46 by referral partners which were documented by the office.

(o) The number and types of violations of ss. 516.40-516.46 by program licensees which were documented by the office.

(p) The number of times that the office disqualified a
referral partner from performing services, barred a referral partner from performing services at one or more specific locations of the referral partner, terminated a written agreement between a referral partner and a program licensee, or imposed an administrative penalty.

(q) The number of complaints received by the office about a program licensee or a referral partner and the nature of those complaints.

Section 8. Sections 516.40-516.46, Florida Statutes, are repealed on December 31, 2022, unless reenacted or superseded by another law enacted by the Legislature before that date.

Section 9. This act shall take effect October 1, 2018.