

2023 Florida Summary of Agent Requirements

Your business (the “Agent”) must follow Florida law with respect to money transfers, money orders, stored value, bill payment services and other money transmission services. Please note that your relationship with MoneyGram Payment Services, Inc. (“MoneyGram”) may be terminated if you fail to comply with the Florida Money Transmitter’s Code or corresponding state regulations.

➤ **Notices Required. F.S.A. § 560.128; F.A.C. § 560.2085.**

You (the Agent) must provide each customer with a toll-free telephone number for the purpose of contacting MoneyGram or contacting the Office of Financial Regulation of the Commission (“Commissioner.”) Instead of a toll-free number, you may instead provide the address and telephone number of the Commissioner. You must also post a sign indicating that you are an agent of MoneyGram. These requirements are met with a sign that has been developed by MoneyGram. The sign must be posted so that it is visible to your customers. The sign is not location specific, it may be obtained by contacting MoneyGram and may be copied.

➤ **Agent Conduct. F.S.A. §§ 560.1091; 560.2085; Regulatory Addendum**

As a MoneyGram agent, you agree that:

1. You will report to MoneyGram, immediately upon discovery, the theft or loss of currency received for a money transfer and payment instrument.
2. You will remit all funds to MoneyGram in accordance with the terms of your contract with MoneyGram. You will hold in trust, all currency or payment instruments received for transmissions or for the purchase of payment instruments from the time of receipt until the time transmission obligation is completed.
3. You will not commingle the money received for transmission sold on behalf on MoneyGram with your own money, except for making change in the ordinary course of business and you must ensure that the money is accounted for at the end of the business day.
4. The Florida Office of Financial Regulation of the Financial Services Commission may examine your Agent location at any time, without any notice. This examination may be conducted with representatives of other departments or agencies of Florida, agencies of another state, or the federal government
5. You will adhere to applicable state and federal laws and rules pertaining to money services businesses.
6. You will provide such other information or disclosure as required by law.

➤ **Record Keeping Requirements. F.S.A. § 560.2085; F.A.C. § 69V-560.706.**

You must maintain at all times a copy of the written agreement between yourself and MoneyGram and be able to produce a copy of the written agreement upon request to Florida examiners. It is only necessary for the agreement to be maintained at the agent's primary address. **A copy of the Regulatory Addendum must be attached as an appendix to your contract with MoneyGram.**

➤ **Receipt. F.S.A. § 560.208.**

After you receive currency or a payment instrument, you immediately must provide a confirmation statement or receipt to the consumer.

*** Fla. Stat. Ann. §§ 560.01 to 560.408; Fla. Admin. Code §§ 69V-560.1000 to 69V-560.913.**

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➤ **Payment Instrument Information. F.S.A. § 560.208.**

Every payment instrument sold or issued must bear the name of the licensee, and any other information as may be required by rule, clearly imprinted thereon.

➤ **Required Notification by Agent. F.S.A. § 560.126.**

You shall immediately notify MoneyGram if you or any of your employees are indicted, convicted, or plead guilty or enter a plea of no contest to a felony. You must immediately notify MoneyGram if you or your employees are under criminal investigation, or are served with any legal papers, including documents authorizing the search and seizure of any records related to money transmission or the sale of payment instruments. You must immediately notify MoneyGram of any suspected criminal act against you or your employees.

➤ **Anti-Money Laundering Requirements. F.S.A. § 560.1235; F.A.C. § 69V-560.609.**

You must comply with all state and federal laws and rules relating to the detection and prevention of money laundering. Your compliance program must be reviewed and updated as necessary to ensure that the program is effective in detecting and deterring money laundering activities. As an Agent, you must report any suspicious transactions to FinCEN using FinCEN Form 109. Failure to do so is a violation of state law.

➤ **Supervisory Powers; Rulemaking. F.S.A. § 560.105**

The Commissioner shall issue orders and declaratory statements, disseminate information, and otherwise administer and enforce the Florida Money Transmitter's Code ("Act") and all related rules to carry out the purposes, policies and provisions of the Act.

➤ **Agent for Payment Instrument Sellers, Money Transmitters. F.A.C. §§ 69V-560.702, 69V-560.703.**

As an Agent of MoneyGram, you are expected to:

1. comply with the Florida Money Transmitter's Code ("Act");
2. comply with all state and federal laws and rules relating to the detection and prevention of money laundering; [**See § 560.1235 above.**]
3. comply with Office of Foreign Asset Control Regulations [OFAC]. OFAC enforces U.S. economic and trade sanctions against certain countries and suspected terrorists. As required by law, MoneyGram routinely screens every transaction against the OFAC watch list and works with OFAC whenever a potential match occurs. As an authorized delegate, you must follow MoneyGram instructions regarding any potential matches on the OFAC watch list to prevent any unauthorized payout or refund;
4. comply with Gramm Leach Bliley Act requirements regarding the protection of personal information; and
5. comply with Florida state law requirements regarding the fraudulent use of personal information [**Fla. Stat. § 817.568**] and breaches of information security [**Fla. Stat. § 817.5681**].

➤ **Agent for Payment Instrument Sellers, Money Transmitters. F.A.C. §§ 69V-560.702, 69V-560.703. (cont.)**

As part of your agreement with MoneyGram, you have indicated to MoneyGram that you have developed, implemented, and will maintain effective information security policies and procedures (the "Policies"). Specifically, you have warranted that:

*** Fla. Stat. Ann. §§ 560.01 to 560.408; Fla. Admin. Code §§ 69V-560.1000 to 69V-560.913.**

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- (1) these Policies include administrative, technical and physical safeguards designed to:
 - (i) insure the security and confidentiality of “confidential information” provided to you by MPSI or MPSI’s customers;
 - (ii) protect against anticipated threats or hazards to the security or integrity of such “confidential information;”
 - (iii) protect against unauthorized access or use of such “confidential information;”
 - (iv) ensure the proper disposal of “confidential information;” and
 - (v) comply with applicable industry or association rules or standards such as the credit card association’s Payment Card Industry Data Security Standards;
- (2) all personnel handling such “confidential information” have been appropriately trained in implementing these policies; and
- (3) you regularly audit and review these policies to determine whether adjustments are necessary because of new developments such as changes in technology, customer information systems or any new threats or hazards to “confidential information.”

In the event of any unauthorized access to MoneyGram’s “confidential information” and/or “personally identifiable information” You must immediately notify MoneyGram and act to prevent further unauthorized access. In addition, you must cooperate with MoneyGram and provide any required information to the appropriate law enforcement agencies and government regulatory authorities. If the unauthorized access was due to your negligence, or misconduct, you shall provide affected MoneyGram customers with a notice about the unauthorized access and provide access to credit monitoring services, credit protection services, credit fraud alerts, or similar services to which MoneyGram, in its sole discretion, deems necessary to protect such affected customers.

If you require additional information on developing effective information security policies and procedures, and safeguarding personal information, please check the Federal Trade Commission (FTC) website at: <http://www.ftc.gov/bcp/menus/business/data.shtml>

➤ **Supervisory Powers of the Commissioner. F.S.A. § 560.105.**

The Commissioner shall:

- (1) Supervise all money services businesses and their agents;
- (2) Have full access to the books and records of persons the office supervises as required to carry out the duties and functions of the office under Florida law;
- (3) Issue orders and declaratory statements, disseminate information, and otherwise administer and enforce the Florida Money Transmitter’s Code and all related rules to effectuate the purposes, policies and provisions of the Code;
- (4) The Commission may adopt additional rules to enforce the Florida Money Transmitter’s Code;
- (5) The Commission may adopt rules requiring electronic submission of any forms, documents, or fees required under the Florida Money Transmitter’s Code, which must reasonably accommodate technological or financial hardship and provide procedures for obtaining an exemption due to a technological or financial hardship; and
- (6) Rules adopted to regulate money services businesses, including payday lenders, must be responsible to changes in economic conditions, technology and industry practices.

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➤ **Prohibited Acts. F.S.A. § 560.111.**

It is a felony to:

- (1) receive or possess any property with the intent to deceive or defraud;
- (2) omit and/or fail to make an accurate entry in your books and accounts;
- (3) embezzle, abstract, or misapply any money, property or thing of value belonging to MoneyGram, or your customer, with the intent to deceive or defraud;
- (4) make a false entry in your books, accounts, reports, files, or documents with the intent to deceive or defraud another person, state regulators or any authorized third party appointed by the office to examine you investigate your business;
- (5) engage in an act that violates a state or federal money services business (MSB) or anti-money laundering law which may result in the denial or suspension of your license to conduct MSB activity in a particular jurisdiction;
- (6) file with the office, sign as a duly authorized representative, or deliver or disclose to the office any examination report, file, statement or document known to be fraudulent or false;
- (7) place among the assets of MoneyGram any note, obligation or security that you do not own or that you know to be fraudulent or otherwise worthless.
- (8) knowingly possess any fraudulent identification paraphernalia.
- (9) knowingly execute, or attempt to execute a plan to defraud MPSI or to obtain the money, funds, credits, assets, securities, or other property owned by MoneyGram by means of false or fraudulent pretenses, representations or promises.

Any person who violates any of the items listed in this section commits a third-degree felony.

➤ **Disciplinary Actions. F.S.A. § 560.114.**

The office may suspend, bar or deny your ability to act as an Agent of MoneyGram if you:

- (1) fail to comply with any provision of the Florida Money Transmitter's Code or related state regulation, or any written agreement with the office;
- (2) fraudulently misrepresent, circumvent or conceal any matter that must be furnished to a customer under state law;
- (3) engage in false, deceptive or misleading advertising;
- (4) fail to maintain, preserve, and produce for examination all books, accounts, files, or other documents required by the Florida Money Transmitters Code, related state regulations, any state orders issued by the Florida Office of Financial Regulation; or as required by federal law;
- (5) refuse to allow the examination or inspection of your books, accounts, records, files or other documents by state examiners or fail to comply with a subpoena issued by the Florida Office of Financial Regulation;
- (6) fail to pay a judgment recovered in any court in an action arising out of a money transmission within 30 days after the judgment becomes final;
- (7) commit any act that results in a license or its equivalent, to practice any profession or occupation being denied, suspended, revoked, or otherwise acted against by a licensing authority in any jurisdiction;
- (8) engage in an act prohibited under Fla. Stat. **§ 560.111[see list of prohibited acts on previous page]**
- (9) are convicted of or if you enter a plea of guilty or no contest to any felony or crime punishable by imprisonment of 1 year or more under the law of any state or the United States which involves fraud, moral turpitude, or dishonest dealing.
- (10) are convicted of, or if you enter a plea of guilty or no contest to a federal anti-money laundering law;

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- (11) are convicted of, or if you enter a plea of guilty or no contest to a charge involving the misappropriation of funds, conversion, or unlawful withholding of money belonging to others.
- (12) fail to inform the office in writing within 30 days after been convicted of or having pled guilty or nolo contest to any felony or crime punishable by imprisonment of 1 year or more under the law of any state or the United States, of any crime involving fraud, moral turpitude or dishonest dealing.
- (13) aid or assist anyone in violating a provision of the Florida Money Transmitter's Code or any order or rule of the office or commission;
- (14) fail to pay any fee, any charge or cost imposed or assessed under state law;
- (15) fail to pay a fine assessed by the office within 30 days after the due date as stated in the final order; or
- (16) fail to pay any judgment entered by any court within 30 days after the judgment becomes final.

➤ **Disciplinary Guidelines. F.S.A. § 560.1141; F.C.A § 69V-560.1000.**

The Commissioner shall adopt by rule disciplinary guidelines applicable to each ground for disciplinary action that may be imposed by the office.

The disciplinary guidelines [**which can be found at F.C.A. § 69V-560.1000**] specify a range of designated penalties based on the severity and repetition of specific offenses and that distinguish minor violations from those that endanger the public health, safety, or welfare that provide reasonable and meaningful notice to the public of likely penalties that may be imposed for proscribed conduct; and that ensure that such penalties are imposed in a consistent manner by the office.

➤ **Civil Immunity. F.S.A. § 560.116.**

Any person having reason to believe that a provision of the Act is being violated, has been violated, or is about to be violated, may file a complaint with the office setting forth the details of the alleged violation. This person is immune from civil liability unless the information provided is false and has been provided with reckless disregard for the truth.

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