

## Summary of 2016 – 2017 Proposed Legislation (Robert Kain Jan 6, 2017)

### Digital Currency Business Act (DCBA) - Kain comments 20161125

In general, this Act seeks to regulate entities which retain digital currency on behalf of an owner of digital currency. Kain's concerns include (a) whether the Act properly defines certain digital currency "payment facilitators" which are generally similar to credit card processors (not merchants who accept credit cards and not banks that provide payment, but rather intermediary credit card processors); and (b) whether the Act should require registration of passive custodians of digital currency (in contrast to active custodians of digital currency). Custodians who are registered under the DCBA are subject to net worth requirements, bonding requirements in the public is permitted to go online and view registered digital currency custodians. The DCBA Task Force has requested input from Sen. Hukill on whether the DCBA should cover both types of digital currency custodians. See Woody Pollack (Task Force Leader) for more details.

The DCBA is very complex and the Task Force awaits input from the Banking Group.

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### SB 118 "An Act Relating to Expunction of Criminal History Records" Amending Fla.Stat. 943.0585

This proposed legislation seeks to permit a person to expunge that person's criminal history if the history is associated with a not guilty verdict.

Important to the Computer Law Committee is section 943.0585(4)(d)1 (at Bill line 306). Which requires a person or entity "who publishes, displays or in any way disseminates information or an image of a person whose criminal history record has been expunged" to remove such information or image within 14 days after receipt of certified copy of order of expunction. "A court may impose a civil penalty of \$500 per day for noncompliance with and order of injunction and shall award reasonable attorney's fees and court costs related to the issuance of the order."

The proposed amended statute establishes for multiple violators a second-degree misdemeanor and higher for further violations. Further if a person is convicted for multiple violations, "a court shall order the suspension of any Internet protocol (IP) address carrying the publication for a period of no less than one year."

Questions for Committee: (a) scope of "in any way disseminates information"; (b) scope of "in any way disseminates ... an image of a person whose criminal history record has been expunged", and the event that the image of such person has nothing to do with the criminal event; (c) First Amendment, valid new reporting; (d) jurisdictional issues?

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HB 149 Act Relating to Fantasy Contests and Fantasy Contest Operators  
Effectively excluding fantasy games and contests from regulation by Fla. Dept. of Business and Professional Regulation.

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SB 206 - Electronic Wills

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HR 121 - Permitting the Fla. Legislature by 2/3 vote to override any judicial decision.

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HR 125 - A recommendation from the Fla. Legislature that the U.S. Congress can by 2/3 vote to override any judicial decision.

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