

1 A bill to be entitled
2 An act relating to financial institutions; providing
3 definitions; requiring a financial institution that is
4 chartered in this state and that maintains certain
5 accounts with a foreign financial institution to
6 establish due diligence policies, procedures, and
7 controls reasonably designed to detect whether the
8 foreign financial institution engages in certain
9 activities facilitating the development of weapons of
10 mass destruction by the Government of Iran, provides
11 support for certain foreign terrorist organizations,
12 or participates in other related activities; requiring
13 the Financial Services Commission to adopt rules
14 establishing minimum standards for the due diligence
15 policies, procedures, and controls; requiring a
16 financial institution chartered in this state to
17 annually file a compliance certificate with the Office
18 of Financial Regulation; requiring the Office of
19 Financial Regulation to submit an annual report
20 relating to the Financial Services Commission rules
21 and certifications from financial institutions to the
22 Governor, the President of the Senate, and the Speaker
23 of the House of Representatives; requiring the Office
24 of Financial Regulation to make the annual report
25 available to the public on its website; authorizing
26 the Office of Financial Regulation to impose an
27 administrative fine against a financial institution
28 that fails to make the annual certification required

29 | by the act; providing an effective date.

30 |
 31 | WHEREAS, the United States Congress passed, and President
 32 | Obama signed into law, the Comprehensive Iran Sanctions,
 33 | Accountability, and Divestment Act of 2010, and

34 | WHEREAS, the Comprehensive Iran Sanctions, Accountability,
 35 | and Divestment Act of 2010 prohibits or strictly limits any
 36 | foreign financial institution's ability to open or maintain a
 37 | correspondent account or a payable-through account with American
 38 | financial institutions if the United States Secretary of the
 39 | Treasury determines that the foreign financial institution
 40 | knowingly engages in certain activities facilitating the
 41 | development of weapons of mass destruction by the Government of
 42 | Iran, provides support for certain foreign terrorist
 43 | organizations, or participates in other related activities, and

44 | WHEREAS, the Comprehensive Iran Sanctions, Accountability,
 45 | and Divestment Act of 2010 imposes civil and criminal penalties
 46 | against financial institutions based in the United States which
 47 | know or should know that they are maintaining a correspondent
 48 | account or a payable-through account with a foreign financial
 49 | institution that engages in prohibited activities, and

50 | WHEREAS, it is a sensible fiduciary responsibility of
 51 | financial institutions chartered in the State of Florida to know
 52 | the activities of foreign financial institutions with which they
 53 | maintain correspondent or payable-through accounts, NOW,
 54 | THEREFORE,

55 |
 56 | Be It Enacted by the Legislature of the State of Florida:

57
58 Section 1. Financial institutions; transactions relating
59 to Iran or terrorism.—

60 (1) As used in this section, the term:

61 (a) "Correspondent account" has the same meaning as
62 defined in 31 U.S.C. s. 5318A.

63 (b) "Financial institution" has the same meaning as
64 defined in s. 655.005(1)(i), Florida Statutes.

65 (c) "Payable-through account" has the same meaning as
66 defined in 31 U.S.C. s. 5318A.

67 (2) A financial institution chartered in this state which
68 maintains a correspondent account or a payable-through account
69 with a foreign financial institution must establish due
70 diligence policies, procedures, and controls reasonably designed
71 to detect whether the United States Secretary of the Treasury
72 has found that the foreign financial institution knowingly:

73 (a) Facilitates the efforts of the Government of Iran,
74 including efforts of Iran's Revolutionary Guard Corps, to
75 acquire or develop weapons of mass destruction or their delivery
76 systems;

77 (b) Provides support for an organization designated by the
78 United States as a foreign terrorist organization;

79 (c) Facilitates the activities of a person who is subject
80 to financial sanctions pursuant to a resolution of the United
81 Nations Security Council imposing sanctions on Iran;

82 (d) Engages in money laundering to carry out any activity
83 listed in this subsection;

84 (e) Facilitates efforts by the Central Bank of Iran or any

85 other Iranian financial institution to carry out an activity
86 listed in this subsection; or

87 (f) Facilitates a significant transaction or provides
88 significant financial services for Iran's Revolutionary Guard
89 Corps or its agents or affiliates, or any financial institution,
90 whose property or interests in property are blocked pursuant to
91 federal law in connection with Iran's proliferation of weapons
92 of mass destruction, or delivery systems for those weapons, or
93 Iran's support for international terrorism.

94 (3) By July 1, 2012, the Financial Services Commission
95 shall adopt rules establishing minimum standards for due
96 diligence policies, procedures, and controls required by this
97 section.

98 (4) By January 1, 2013, and each January 1 thereafter,
99 each financial institution chartered in this state must certify
100 to the Office of Financial Regulation that the financial
101 institution has adopted and substantially complies with its due
102 diligence policies, procedures, and controls required by this
103 section and the rules adopted under this section, and that to
104 the best knowledge of the financial institution, the financial
105 institution does not maintain a correspondent account or a
106 payable-through account with a foreign financial institution
107 that knowingly engages in any act described in subsection (2).

108 (5) By January 31, 2013, and each January 31 thereafter,
109 the Office of Financial Regulation must submit a report to the
110 Governor, the President of the Senate, and the Speaker of the
111 House of Representatives which contains a copy of the rules
112 required under subsection (3) and the status of the

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113 certifications of compliance received from the financial
114 institutions chartered in this state.

115 (6) The Office of Financial Regulation shall make its
116 annual compliance report under this section available on its
117 website.

118 (7) The Office of Financial Regulation may impose an
119 administrative fine, not to exceed \$100,000 per occurrence,
120 against a financial institution that fails to make the annual
121 certification required under subsection (4).

122 Section 2. This act shall take effect upon becoming a law.