

1 A bill to be entitled

2 An act relating to money services businesses; amending
 3 s. 560.111, F.S.; prohibiting the knowing and willful
 4 failure of a licensee to provide certain information
 5 relating to a check cashing transaction; providing
 6 criminal penalties; reenacting and amending s.
 7 560.114, F.S.; updating cross-references; authorizing
 8 the Office of Financial Regulation to summarily
 9 suspend a license if criminal charges are filed
 10 against certain persons or such persons are arrested
 11 for certain offenses; amending s. 560.1235, F.S.;
 12 updating cross-references; amending s. 560.125, F.S.;
 13 providing that a deferred presentment transaction
 14 conducted by an unauthorized person is void; amending
 15 ss. 560.1401 and 560.141, F.S.; updating cross-
 16 references; amending s. 560.309, F.S.; updating a
 17 cross-reference; providing an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

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 21 Section 1. Subsection (6) is added to section 560.111,
 22 Florida Statutes, to read:

23 560.111 Prohibited acts.—

24 (6) A person who knowingly and willfully violates s.
 25 560.310(2)(d) commits a felony of the third degree, punishable
 26 as provided in s. 775.082, s. 775.083, or s. 775.084.

27 Section 2. Paragraphs (e) and (y) of subsection (1) and
 28 subsection (2) of section 560.114, Florida Statutes, are
 29 amended, and paragraph (h) of subsection (1) of that section is
 30 reenacted, to read:

31 560.114 Disciplinary actions; penalties.—

32 (1) The following actions by a money services business,
 33 authorized vendor, or affiliated party constitute grounds for
 34 the issuance of a cease and desist order; the issuance of a
 35 removal order; the denial, suspension, or revocation of a
 36 license; or taking any other action within the authority of the
 37 office pursuant to this chapter:

38 (e) Failure to maintain, preserve, keep available for
 39 examination, and produce all books, accounts, files, or other
 40 documents required by this chapter or related rules or orders,
 41 by 31 C.F.R. ss. 1010.306, 1010.311, 1010.312, 1010.340,
 42 1010.410, 1010.415, 1022.210, 1022.320, 1022.380, and 1022.410
 43 ~~103.20, 103.22, 103.23, 103.27, 103.28, 103.29, 103.33, 103.37,~~
 44 ~~103.41, and 103.125~~, or by an any agreement entered into with
 45 the office.

46 (h) Engaging in an act prohibited under s. 560.111.

47 (y) Violations of 31 C.F.R. ss. 1010.306, 1010.311,
 48 1010.312, 1010.340, 1010.410, 1010.415, 1022.210, 1022.320,
 49 1022.380, and 1022.410 ~~103.20, 103.22, 103.23, 103.27, 103.28,~~
 50 ~~103.29, 103.33, 103.37, 103.41, and 103.125~~, and United States
 51 Treasury Interpretive Release 2004-1.

52 (2) Pursuant to s. 120.60(6), the office may summarily

53 suspend the license of a money services business if the office
 54 finds that a licensee poses an immediate, serious danger to the
 55 public health, safety, and welfare. A proceeding in which the
 56 office seeks the issuance of a final order for the summary
 57 suspension of a licensee shall be conducted by the Commissioner
 58 of Financial Regulation, or his or her designee, who shall issue
 59 such order. The following acts are deemed to constitute an
 60 immediate and serious danger to the public health, safety, and
 61 welfare, and the office may immediately suspend the license of a
 62 ~~any money services business if the money services business fails~~
 63 ~~to:~~

64 (a) The money services business fails to provide to the
 65 office, upon written request, any of the records required by s.
 66 560.123, s. 560.1235, s. 560.211, or s. 560.310 or any rule
 67 adopted under those sections. The suspension may be rescinded if
 68 the licensee submits the requested records to the office.

69 (b) The money services business fails to maintain a
 70 federally insured depository account as required by s. 560.309.

71 (c) A natural person required to be listed on the license
 72 application for a money service business pursuant to s.
 73 560.141(1)(a)3. is criminally charged with or arrested for a
 74 crime described in paragraph (1)(o), paragraph (1)(p), or
 75 paragraph (1)(q).

76
 77 ~~For purposes of s. 120.60(6), failure to perform any of the acts~~
 78 ~~specified in this subsection constitutes immediate and serious~~

79 ~~danger to the public health, safety, and welfare.~~

80 Section 3. Section 560.1235, Florida Statutes, is amended
81 to read:

82 560.1235 Anti-money laundering requirements.—

83 (1) A licensee and authorized vendor must comply with all
84 state and federal laws and rules relating to the detection and
85 prevention of money laundering, including, as applicable, s.
86 560.123, and 31 C.F.R. ss. 1010.306, 1010.311, 1010.312,
87 1010.313, 1010.340, 1010.410, 1010.415, 1022.320, 1022.380, and
88 1022.410 ~~103.20, 103.22, 103.23, 103.27, 103.28, 103.29, 103.33,~~
89 ~~103.37, and 103.41.~~

90 (2) A licensee and authorized vendor must maintain an
91 anti-money laundering program in accordance with 31 C.F.R. s.
92 1022.210 ~~103.125~~. The program must be reviewed and updated as
93 necessary to ensure that the program continues to be effective
94 in detecting and deterring money laundering activities.

95 (3) A licensee must comply with United States Treasury
96 Interpretive Release 2004-1.

97 Section 4. Subsection (1) of section 560.125, Florida
98 Statutes, is amended to read:

99 560.125 Unlicensed activity; penalties.—

100 (1) A person may not engage in the business of a money
101 services business or deferred presentment provider in this state
102 unless the person is licensed or exempted from licensure under
103 this chapter. A deferred presentment transaction conducted by a
104 person not authorized to conduct such a transaction under this

105 chapter is void, and the unauthorized person has no right to
 106 collect, receive, or retain any principal, interest, or charges
 107 relating to such transaction.

108 Section 5. Subsections (3) and (4) of section 560.1401,
 109 Florida Statutes, are amended to read:

110 560.1401 Licensing standards.—To qualify for licensure as
 111 a money services business under this chapter, an applicant must:

112 (3) Be registered as a money services business with the
 113 Financial Crimes Enforcement Network as required by 31 C.F.R. s.
 114 1022.380 ~~103.41~~, if applicable.

115 (4) Have an anti-money laundering program in place which
 116 meets the requirements of 31 C.F.R. s. 1022.210 ~~103.125~~.

117 Section 6. Paragraph (d) of subsection (1) of section
 118 560.141, Florida Statutes, is amended to read:

119 560.141 License application.—

120 (1) To apply for a license as a money services business
 121 under this chapter, the applicant must submit:

122 (d) A copy of the applicant's written anti-money
 123 laundering program required under 31 C.F.R. s. 1022.210 ~~103.125~~.

124 Section 7. Subsection (5) of section 560.309, Florida
 125 Statutes, is amended to read:

126 560.309 Conduct of business.—

127 (5) A licensee must report all suspicious activity to the
 128 office in accordance with the criteria ~~set forth~~ in 31 C.F.R. s.
 129 1022.320 ~~103.20~~. In lieu of filing such reports, the commission
 130 may prescribe by rule that the licensee may file such reports

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131 | with an appropriate regulator.

132 | Section 8. This act shall take effect July 1, 2014.