

By Senator Gaetz

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1 A bill to be entitled
2 An act relating to consumer credit; amending s.
3 516.07, F.S.; authorizing the Office of Financial
4 Regulation to deny a license or take disciplinary
5 action against a person who violates the Military
6 Lending Act or the regulations adopted under that act
7 in connection with a consumer finance loan under the
8 Florida Consumer Finance Act; amending s. 537.013,
9 F.S.; prohibiting a title loan lender or its agent or
10 employee from violating the Military Lending Act or
11 the regulations adopted under that act; amending s.
12 560.114, F.S.; authorizing the office to take
13 disciplinary action or deny a license of a money
14 services business, authorized vendor, or affiliated
15 party in connection with a deferred presentment
16 transaction for violating the Military Lending Act or
17 the regulations adopted under that act; amending s.
18 655.033, F.S.; authorizing the office to issue a cease
19 and desist order against a state financial
20 institution, subsidiary, service corporation,
21 financial institution-affiliated party, or individual
22 for violating the Military Lending Act or the
23 regulations adopted under that act; providing
24 applicability; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:
27

28 Section 1. Paragraph (q) is added to subsection (1) of
29 section 516.07, Florida Statutes, to read:

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30 516.07 Grounds for denial of license or for disciplinary
31 action.—

32 (1) The following acts are violations of this chapter and
33 constitute grounds for denial of an application for a license to
34 make consumer finance loans and grounds for any of the
35 disciplinary actions specified in subsection (2):

36 (q) Violating any provision of the Military Lending Act, 10
37 U.S.C. s. 987, or the regulations adopted under that act in 32
38 C.F.R. part 232, in connection with a consumer finance loan made
39 under this chapter.

40 Section 2. Paragraph (o) is added to subsection (1) of
41 section 537.013, Florida Statutes, to read:

42 537.013 Prohibited acts.—

43 (1) A title loan lender, or any agent or employee of a
44 title loan lender, shall not:

45 (o) Violate any provision of the Military Lending Act, 10
46 U.S.C. s. 987, or the regulations adopted under that act in 32
47 C.F.R. part 232, in connection with a title loan made under this
48 chapter.

49 Section 3. Paragraph (cc) is added to subsection (1) of
50 section 560.114, Florida Statutes, to read:

51 560.114 Disciplinary actions; penalties.—

52 (1) The following actions by a money services business,
53 authorized vendor, or affiliated party constitute grounds for
54 the issuance of a cease and desist order; the issuance of a
55 removal order; the denial, suspension, or revocation of a
56 license; or taking any other action within the authority of the
57 office pursuant to this chapter:

58 (cc) Violating any provision of the Military Lending Act,

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59 10 U.S.C. s. 987, or the regulations adopted under that act in
 60 32 C.F.R. part 232, in connection with a deferred presentment
 61 transaction conducted under part IV of this chapter.

62 Section 4. Subsection (1) of section 655.033, Florida
 63 Statutes, is amended to read:

64 655.033 Cease and desist orders.—

65 (1) The office may issue and serve upon any state financial
 66 institution, subsidiary, or service corporation, or upon any
 67 financial institution-affiliated party, a complaint stating
 68 charges whenever the office has reason to believe that such
 69 state financial institution, subsidiary, service corporation,
 70 financial institution-affiliated party, or individual named
 71 therein is engaging in or has engaged in conduct that is:

72 (a) An unsafe or unsound practice;

73 (b) A violation of any law relating to the operation of a
 74 financial institution;

75 (c) A violation of any rule of the commission;

76 (d) A violation of any order of the office;

77 (e) A breach of any written agreement with the office;

78 (f) A prohibited act or practice pursuant to s. 655.0322;

79 ~~or~~

80 (g) A willful failure to provide information or documents
 81 to the office or any appropriate federal agency, or any of its
 82 representatives, upon written request; or-

83 (h) A violation of any provision of the Military Lending
 84 Act, 10 U.S.C. s. 987, or the regulations adopted under that act
 85 in 32 C.F.R. part 232.

86 Section 5. This act applies to a consumer credit
 87 transaction or account for consumer credit established on or

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88 after October 3, 2016, except it does not apply to a credit card
89 account exempted under 32 C.F.R. s. 232.13(c) until the
90 exemption expires.

91 Section 6. This act shall take effect October 3, 2016.