

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; creating s.  
18 655.035, F.S.; authorizing the office to conduct an  
19 investigation to determine whether a person is  
20 violating the Military Lending Act or the regulations  
21 adopted under that act; authorizing the office to seek  
22 specified remedies for such violations; providing  
23 applicability; providing an effective date.

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25 Be It Enacted by the Legislature of the State of Florida:  
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27 Section 1. Paragraph (q) is added to subsection (1) of  
 28 section 516.07, Florida Statutes, to read:

29 516.07 Grounds for denial of license or for disciplinary  
 30 action.—

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

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

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

41 537.013 Prohibited acts.—

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

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

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

50 560.114 Disciplinary actions; penalties.—

51 (1) The following actions by a money services business,  
 52 authorized vendor, or affiliated party constitute grounds for

53 the issuance of a cease and desist order; the issuance of a  
54 removal order; the denial, suspension, or revocation of a  
55 license; or taking any other action within the authority of the  
56 office pursuant to this chapter:

57 (cc) Violating any provision of the Military Lending Act,  
58 10 U.S.C. s. 987, or the regulations adopted under that act in  
59 32 C.F.R. part 232, in connection with a deferred presentment  
60 transaction conducted under part IV of this chapter.

61 Section 4. Section 655.035, Florida Statutes, is created  
62 to read:

63 655.035 Military lending.—Pursuant to s. 655.032, the  
64 office may conduct an investigation that it deems necessary to  
65 determine whether a financial institution, a subsidiary, a  
66 service corporation, an affiliate, or other person is engaging  
67 in or has engaged in conduct that violates any provision of the  
68 Military Lending Act, 10 U.S.C. s. 987, or the regulations  
69 adopted under that act in 32 C.F.R. part 232. If the office has  
70 reason to believe that a person has violated any such provision  
71 or regulation, the office may initiate a proceeding against such  
72 person in accordance with s. 655.033, s. 655.034, s. 655.037, or  
73 s. 655.041.

74 Section 5. This act applies to a consumer credit  
75 transaction or account for consumer credit established on or  
76 after October 3, 2016, except it does not apply to a credit card  
77 account exempted under 32 C.F.R. s. 232.13(c) until the  
78 exemption expires.

CS/HB 717

2016

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