



26 | Be It Enacted by the Legislature of the State of Florida:

27 |

28 |       Section 1. Subsections (10) through (25), (34), and (35)  
 29 | of section 560.103, Florida Statutes, are renumbered as  
 30 | subsections (11) through (26), (33), and (34), respectively,  
 31 | subsection (1) and present subsections (26) and (33) are  
 32 | amended, and a new subsection (10) is added to that section, to  
 33 | read:

34 |       560.103 Definitions.—As used in this chapter, the term:

35 |       (1) "Affiliated party" means a control ~~director, officer,~~  
 36 | ~~responsible~~ person, employee, or foreign affiliate of a money  
 37 | services business, ~~or a person who has a controlling interest in~~  
 38 | ~~a money services business as provided in s. 560.127.~~

39 |       (10) "Control person" means an individual, partnership,  
 40 | corporation, trust, or other organization that possesses the  
 41 | power, directly or indirectly, to direct the management or  
 42 | policies of a company, whether through ownership of securities,  
 43 | by contract, or otherwise. The term includes a company's  
 44 | executive officers, including the president, chief executive  
 45 | officer, chief financial officer, chief operations officer,  
 46 | chief legal officer, compliance officer, director, and other  
 47 | individuals having similar status or functions. The term also  
 48 | includes:

49 |       (a) All shareholders that, directly or indirectly, own 25  
 50 | percent or more, or that have the power to vote 25 percent or

51 more, of a class of voting securities.

52 (b) For a partnership:

53 1. All general partners.

54 2. All limited or special partners that have contributed  
 55 25 percent or more, or that have the right to receive, upon  
 56 dissolution, 25 percent or more, of the partnership's capital.

57 (c) For a trust, all trustees.

58 (d) For a limited liability company:

59 1. All managers.

60 2. All members that have contributed 25 percent or more,  
 61 or that have the right to receive, upon dissolution, 25 percent  
 62 or more, of the limited liability company's capital account.

63 ~~(26) "Officer" means an individual, other than a director,~~  
 64 ~~who participates in, or has authority to participate in, the~~  
 65 ~~major policymaking functions of a money services business,~~  
 66 ~~regardless of whether the individual has an official title or~~  
 67 ~~receives a salary or other compensation.~~

68 ~~(33) "Responsible person" means an individual who is~~  
 69 ~~employed by or affiliated with a money services business and who~~  
 70 ~~has principal active management authority over the business~~  
 71 ~~decisions, actions, and activities of the money services~~  
 72 ~~business in this state.~~

73 Section 2. Paragraph (c) is added to subsection (2) of  
 74 section 560.105, Florida Statutes, to read:

75 560.105 Supervisory powers; rulemaking.—

76 (2) The commission may adopt rules pursuant to ss.  
 77 120.536(1) and 120.54 to administer this chapter.

78 (c) The commission may adopt rules establishing time  
 79 periods during which a money services business is barred from  
 80 licensure due to prior criminal convictions of, or guilty or  
 81 nolo contendere pleas by, an applicant's control persons,  
 82 regardless of adjudication. The rules must provide:

83 1. A disqualifying period of:

84 a. Fifteen years for a felony involving fraud, dishonesty,  
 85 breach of trust, money laundering, or any other act of moral  
 86 turpitude.

87 b. Seven years for any felony other than those specified  
 88 in sub-subparagraph a.

89 c. Five years for a misdemeanor involving fraud,  
 90 dishonesty, or any other act of moral turpitude.

91 2. An additional waiting period due to dates of  
 92 imprisonment or community supervision, the commitment of  
 93 multiple crimes, and other factors reasonably related to the  
 94 applicant's criminal history.

95 3. Mitigating factors for crimes identified in sub-  
 96 paragraphs 1.a., 1.b., and 1.c. Mitigating factors include  
 97 any of the following:

98 a. A probation officer or prosecuting attorney in the most  
 99 recent crime states in a signed writing that the probation  
 100 officer or prosecuting attorney believes that the applicant

101 would pose no significant threat to public welfare if licensed  
102 as a money services business.

103 b. Restitution or settlement has been made for all crimes  
104 in which restitution or settlement was ordered by the court, and  
105 proof of such restitution or settlement is shown in official  
106 court documents or as verified in a signed writing by the  
107 prosecuting attorney or probation officer.

108 c. The applicant was under age 21 when the crime was  
109 committed, and there is only one crime in the applicant's  
110 criminal history record.

111 d. The applicant furnishes proof that the applicant was at  
112 the time of the crime addicted to drugs or suffering active  
113 alcoholism. Proof must be accompanied by a written letter from a  
114 properly licensed physician, psychologist, or therapist stating  
115 that the he or she has examined or treated the applicant and  
116 that, in his or her professional opinion, the addiction or  
117 alcoholism is currently in remission and has been in remission  
118 for the previous 12 months.

119  
120 An applicant is not eligible for licensure until the expiration  
121 of the disqualifying period set by rule. Section 112.011 does  
122 not apply to eligibility for licensure under this part.

123 Section 3. Subsections (9) and (10) are added to section  
124 560.114, Florida Statutes, to read:

125 560.114 Disciplinary actions; penalties.-

126       (9) The office may bar, permanently or for a specific  
127 time, a person found to have violated any provision of this  
128 chapter, any related rule or order adopted by the commission or  
129 office, or any written agreement entered into with the office,  
130 from submitting an application for a license with the office or  
131 from acting as a control person of a money services business.

132       (10) A money services business license under s. 560.141  
133 may be suspended if a control person of the money services  
134 business is arrested for any conduct that would authorize  
135 revocation under subsection (1).

136       (a) An order of suspension under this subsection:

137       1. Takes effect only after a hearing, unless a hearing is  
138 not requested by the licensee or unless the suspension is made  
139 in accordance with s. 120.60(6).

140       2. Must contain a finding that evidence of a prima facie  
141 case supports the charge made in the criminal prosecution.

142       3. Must operate for no longer than 10 calendar days beyond  
143 receipt of notice to the office of the termination of the  
144 pending criminal prosecution.

145       (b) For purposes of this subsection, a criminal  
146 prosecution is pending at any time after criminal charges are  
147 filed and is terminated at any time after conviction, acquittal,  
148 or dismissal.

149       Section 4. Subsection (2) of section 560.118, Florida  
150 Statutes, is amended to read:

151 560.118 Reports.—

152 (2) Each licensee must submit quarterly reports to the  
 153 office in a format and include information as specified by rule.  
 154 The rule may require the report to contain a declaration by a  
 155 control person ~~an officer, or any other responsible person~~  
 156 authorized to make such declaration, that the report is true and  
 157 correct to the best of her or his knowledge and belief.

158 Section 5. Paragraph (d) of subsection (3) of section  
 159 560.123, Florida Statutes, is amended to read:

160 560.123 Florida Control of Money Laundering in Money  
 161 Services Business Act.—

162 (3) A money services business shall keep a record of each  
 163 financial transaction occurring in this state which it knows to  
 164 involve currency or other payment instrument, as prescribed by  
 165 the commission, having a value greater than \$10,000; to involve  
 166 the proceeds of specified unlawful activity; or to be designed  
 167 to evade the reporting requirements of this section or chapter  
 168 896. The money services business must maintain appropriate  
 169 procedures to ensure compliance with this section and chapter  
 170 896.

171 (d) A money services business, or control person ~~officer~~,  
 172 employee, or agent thereof, that files a report in good faith  
 173 pursuant to this section is not liable to any person for loss or  
 174 damage caused in whole or in part by the making, filing, or  
 175 governmental use of the report, or any information contained

176 | therein.

177 |       Section 6. Subsection (3) of section 560.126, Florida  
178 | Statutes, is amended to read:

179 |       560.126 Required notice by licensee.—

180 |       (3) Each licensee must report any change in the control  
181 | persons ~~partners, officers, members, joint venturers, directors,~~  
182 | ~~controlling shareholders, or responsible persons~~ of the licensee  
183 | or changes in the form of business organization by written  
184 | amendment in such form and at such time as specified by rule.

185 |       ~~(a) If any person, directly or indirectly or acting by or~~  
186 | ~~through one or more persons, proposes to purchase or acquire a~~  
187 | ~~controlling interest in a licensee, such person or group must~~  
188 | ~~submit an application for licensure as a money services business~~  
189 | ~~or deferred presentment provider before such purchase or~~  
190 | ~~acquisition at such time and in such form as prescribed by rule.~~  
191 | ~~As used in this subsection, the term "controlling interest"~~  
192 | ~~means the same as described in s. 560.127.~~

193 |       ~~(b) The addition of a control partner, officer, member,~~  
194 | ~~joint venturer, director, controlling shareholder, or~~  
195 | ~~responsible person of the applicant who does not have a~~  
196 | ~~controlling interest and who has not previously complied with~~  
197 | ~~the applicable provisions of ss. 560.1401 and 560.141 is subject~~  
198 | ~~to such provisions. If the office determines that the licensee~~  
199 | ~~does not continue to meet the licensure requirements, the office~~  
200 | ~~may bring an administrative action in accordance with s. 560.114~~



201 to enforce the provisions of this chapter.

202 ~~(c) The commission shall adopt rules providing for the~~  
 203 ~~waiver of the license application required by this subsection if~~  
 204 ~~the person or group of persons proposing to purchase or acquire~~  
 205 ~~a controlling interest in a licensee has previously complied~~  
 206 ~~with the applicable provisions of ss. 560.1401 and 560.141 under~~  
 207 ~~the same legal entity or is currently licensed under this~~  
 208 ~~chapter.~~

209 Section 7. Section 560.127, Florida Statutes, is repealed.

210 Section 8. Paragraph (a) of subsection (1) of section  
 211 560.141, Florida Statutes, is amended to read:

212 560.141 License application.—

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

215 (a) An application to the office on forms prescribed by  
 216 rule which includes the following information:

217 1. The legal name and address of the applicant, including  
 218 any fictitious or trade names used by the applicant in the  
 219 conduct of its business.

220 2. The date of the applicant's formation and the state in  
 221 which the applicant was formed, if applicable.

222 3. The name, social security number, alien identification  
 223 or taxpayer identification number, business and residence  
 224 addresses, and employment history for the past 5 years for each  
 225 control officer, director, responsible person, the compliance

226 ~~officer, each controlling shareholder, and any other person who~~  
227 ~~has a controlling interest in the money services business as~~  
228 ~~provided in s. 560.127.~~

229 4. A description of the organizational structure of the  
230 applicant, including the identity of any parent or subsidiary of  
231 the applicant, and the disclosure of whether any parent or  
232 subsidiary is publicly traded.

233 5. The applicant's history of operations in other states  
234 if applicable and a description of the money services business  
235 or deferred presentment provider activities proposed to be  
236 conducted by the applicant in this state.

237 6. If the applicant or its parent is a publicly traded  
238 company, copies of all filings made by the applicant with the  
239 United States Securities and Exchange Commission, or with a  
240 similar regulator in a country other than the United States,  
241 within the preceding year.

242 7. The location at which the applicant proposes to  
243 establish its principal place of business and any other  
244 location, including branch offices and authorized vendors  
245 operating in this state. For each branch office and each  
246 location of an authorized vendor, the applicant shall include  
247 the nonrefundable fee required by s. 560.143.

248 8. The name and address of the clearing financial  
249 institution or financial institutions through which the  
250 applicant's payment instruments are drawn or through which the

251 payment instruments are payable.

252 9. The history of the applicant's material litigation,  
253 criminal convictions, pleas of nolo contendere, and cases of  
254 adjudication withheld.

255 10. The history of material litigation, arrests, criminal  
256 convictions, pleas of nolo contendere, and cases of adjudication  
257 withheld for each control ~~executive officer, director,~~  
258 ~~controlling shareholder, and responsible~~ person.

259 11. The name of the registered agent in this state for  
260 service of process unless the applicant is a sole proprietor.

261 12. Any other information specified in this chapter or by  
262 rule.

263 Section 9. Paragraph (g) of subsection (1) of section  
264 560.143, Florida Statutes, is amended to read:

265 560.143 Fees.—

266 (1) LICENSE APPLICATION FEES.—The applicable non-  
267 refundable fees must accompany an application for licensure:

268 (g) License application fees for branch offices and  
269 authorized vendors are limited to \$20,000 when such fees are  
270 assessed as a result of a change in control ~~controlling interest~~  
271 ~~as defined in s. 560.127.~~

272 Section 10. This act shall take effect October 1, 2022.