

By the Committee on Banking and Insurance; and Senator Burton

597-02623-23

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1                   A bill to be entitled  
2           An act relating to money services businesses; amending  
3           s. 560.103, F.S.; revising the definition of the term  
4           "control person" for purposes of ch. 560, F.S.;  
5           defining terms; providing an effective date.

6  
7 Be It Enacted by the Legislature of the State of Florida:

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9           Section 1. Subsection (10) of section 560.103, Florida  
10          Statutes, is amended to read:

11           560.103 Definitions.—As used in this chapter, the term:

12           (10) "Control person" means, with respect to a money  
13 services business, any of the following:

14           (a) A person who holds the title of president, treasurer,  
15 chief executive officer, chief financial officer, chief  
16 operations officer, chief legal officer, or compliance officer  
17 for a money services business.

18           (b) A person who holds any of the officer, general partner,  
19 manager, or managing member positions named in the money  
20 services business's governing documents. As used in this  
21 paragraph, the term "governing documents" includes bylaws,  
22 articles of incorporation or organization, partnership  
23 agreements, shareholder agreements, and management or operating  
24 agreements.

25           ~~(c) A person who holds any position named by the money~~  
26 ~~services business's liability insurance coverage for directors~~  
27 ~~and officers, if the business has such coverage.~~

28           ~~(d)~~ A director of the money services business's board of  
29 directors.

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30 ~~(e) A person who directs the affairs of a money services~~  
31 ~~business or who participates in, or has authority to participate~~  
32 ~~in, the major policymaking functions of a money services~~  
33 ~~business, regardless of whether the person has an official title~~  
34 ~~or receives a salary or other compensation.~~

35 (d)~~(f)~~ A shareholder whose name shares are registered in  
36 the records of a corporation for profit, whether incorporated  
37 under the laws of this state or organized under the laws of any  
38 other jurisdiction and existing in that legal form, who owns 25  
39 percent or more of a class of the company's equity securities  
40 ~~For a money services business that is a corporation, all~~  
41 ~~shareholders that, directly or indirectly, own 25 percent or~~  
42 ~~more or that have the power to vote 25 percent or more of a~~  
43 ~~class of voting securities.~~

44 (e)~~(g)~~ A general partner or a limited partner, as those  
45 terms are defined in s. 620.1102, or a special partner who has a  
46 25 percent or greater transferable interest, as defined in s.  
47 620.1102, of a limited partnership, limited liability limited  
48 partnership, foreign limited partnership, or foreign limited  
49 liability limited partnership, as those terms are defined in s.  
50 620.1102. For purposes of this paragraph, a special partner has  
51 the same meaning as a person that has rights, powers, and  
52 obligations similar to those of a limited partner, as defined in  
53 s. 620.1102, in a limited partnership ~~For a money services~~  
54 ~~business that is a partnership, all general partners, and those~~  
55 ~~limited or special partners that have contributed 25 percent or~~  
56 ~~more or that have the right to receive upon dissolution 25~~  
57 ~~percent or more of the partnership's capital.~~

58 (f)~~(h)~~ A member, as defined in s. 605.0102, who holds a 25

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59 percent or greater membership interest in a limited liability  
60 company or a foreign limited liability company, as those terms  
61 are defined in s. 605.0102. As used in this subsection, the term  
62 "membership interest" means a member's right to receive  
63 distributions or other rights, such as voting rights or  
64 management rights, under the articles of organization ~~For a~~  
65 ~~money services business that is a limited liability company, all~~  
66 ~~managers, and those members that have contributed 25 percent or~~  
67 ~~more or that have the right to receive upon dissolution 25~~  
68 ~~percent or more of the limited liability company's capital.~~

69 (g) A beneficial owner of any legal entity referred to in  
70 paragraphs (d)-(f). As used in this paragraph, the term  
71 "beneficial owner" means each individual, if any, who, directly  
72 or indirectly, through any contract, arrangement, understanding,  
73 or relationship other than a revocable proxy, owns 25 percent or  
74 more of the shares or stock interest, transferable interest as  
75 defined in s. 620.1102, or membership interest of a legal  
76 entity.

77 Section 2. This act shall take effect July 1, 2023.