

## CHAPTER 2014-81

### Committee Substitute for Committee Substitute for Senate Bill No. 590

An act relating to money services businesses; amending s. 560.111, F.S.; providing that failing to provide certain information relating to a check cashing transaction is a felony; reenacting and amending s. 560.114, F.S.; updating cross-references; authorizing the Office of Financial Regulation to summarily suspend a license if criminal charges are filed against certain persons or such persons are arrested for certain offenses; amending s. 560.1235, F.S.; updating cross-references; amending s. 560.125, F.S.; providing that a deferred presentment transaction conducted by an unauthorized person is void; amending ss. 560.1401, 560.141, and 560.309, F.S.; updating cross-references; providing an effective date.

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

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

560.111 Prohibited acts.—

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

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

560.114 Disciplinary actions; penalties.—

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

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

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

(y) Violations of 31 C.F.R. ss. 1010.306, 1010.311, 1010.312, 1010.340, 1010.410, 1010.415, 1022.210, 1022.320, 1022.380, and 1022.410 ~~103.20,~~

~~103.22, 103.23, 103.27, 103.28, 103.29, 103.33, 103.37, 103.41, and 103.125, and United States Treasury Interpretive Release 2004-1.~~

(2) Pursuant to s. 120.60(6), the office may summarily suspend the license of a money services business if the office finds that a licensee poses an immediate, serious danger to the public health, safety, and welfare. A proceeding in which the office seeks the issuance of a final order for the summary suspension of a licensee shall be conducted by the commissioner of the office, or his or her designee, who shall issue such order. The following acts are deemed to constitute an immediate and serious danger to the public health, safety, and welfare, and the office may immediately suspend the license of a money services business if the money services business fails to:

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

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

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

~~For purposes of s. 120.60(6), failure to perform any of the acts specified in this subsection constitutes immediate and serious danger to the public health, safety, and welfare.~~

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

560.1235 Anti-money laundering requirements.—

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

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

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

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

560.125 Unlicensed activity; penalties.—

(1) A person may not engage in the business of a money services business or deferred presentment provider in this state unless the person is licensed or exempted from licensure under this chapter. A deferred presentment transaction conducted by a person not authorized to conduct such transaction under this chapter is void, and the unauthorized person has no right to collect, receive, or retain any principal, interest, or charges relating to such transaction.

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

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

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

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

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

560.141 License application.—

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

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

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

560.309 Conduct of business.—

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

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

Approved by the Governor June 13, 2014.

Filed in Office Secretary of State June 13, 2014.