

**By** the Committees on Appropriations; and Banking and Insurance;  
and Senator Richter

576-04572A-14

20141012c2

1                                   A bill to be entitled  
2       An act relating to financial institutions; amending s.  
3       655.005, F.S.; revising the definition of "related  
4       interest"; creating s. 655.017, F.S.; preempting to  
5       the state the regulation of certain financial or  
6       lending activities of entities subject to the  
7       jurisdiction of the office or other regulatory  
8       agencies; providing that counties and municipalities  
9       may engage in investigations and proceedings against  
10      financial institutions that are not preempted;  
11      requiring a financial institution to notify the office  
12      if such local action is commenced; providing for the  
13      office's sole and exclusive jurisdiction in certain  
14      cases; providing applicability; amending s. 655.0322,  
15      F.S.; revising provisions relating to prohibited acts  
16      and practices by a financial institution; applying  
17      certain provisions to affiliates; amending s. 655.034,  
18      F.S.; authorizing the circuit court to issue an  
19      injunction in order to protect the interests of the  
20      depositors, members, creditors, or stockholders of a  
21      financial institution and the public's interest in the  
22      safety and soundness of the financial institution  
23      system; defining "formal enforcement action"; amending  
24      s. 655.037, F.S.; conforming a cross-reference;  
25      amending s. 655.0385, F.S.; prohibiting a director or  
26      executive officer from concurrently serving as a  
27      director or officer in a financial institution or  
28      affiliate in the same geographical area or the same  
29      major business market area unless waived by the Office

576-04572A-14

20141012c2

30 of Financial Regulation; amending s. 655.041, F.S.;

31 revising provisions relating to administrative fines;

32 clarifying that the office may initiate administrative

33 proceedings for violations of rules; providing that

34 fines for violations begin accruing immediately upon

35 the service of a complaint; applying certain

36 provisions to affiliates; revising the applications

37 for imposing a fine; amending s. 655.045, F.S.;

38 requiring the office to conduct an examination of a

39 financial institution within a specified period;

40 amending s. 655.057, F.S.; conforming a cross-

41 reference; providing that specified records are not

42 considered a waiver of privileges or legal rights in

43 certain proceedings; clarifying who has a right to

44 copy member or shareholder records; creating s.

45 655.0591, F.S.; providing notice requirements and

46 procedures that allow a financial institution to

47 protect trade secrets included in documents submitted

48 to the office; amending s. 655.50, F.S.; revising

49 provisions relating to the control of money laundering

50 to also include terrorist financing; adding and

51 revising definitions; requiring a financial

52 institution to have a BSA/AML compliance officer;

53 revising records requirements; updating cross-

54 references; amending s. 655.85, F.S.; clarifying that

55 an institution may impose a fee for the settlement of

56 a check under certain circumstances; providing

57 legislative intent; amending s. 655.921, F.S.;

58 revising provisions relating to business transactions

576-04572A-14

20141012c2

59 by an out-of-state financial institution; providing  
60 that such institution may file suit to collect a  
61 security interest in collateral; amending s. 655.922,  
62 F.S.; revising provisions relating to the name of a  
63 financial institution; prohibiting certain financial  
64 institutions from using a name that may mislead  
65 consumers; authorizing the office to seek court orders  
66 to annul or dissolve a business entity for certain  
67 violations and to issue emergency cease and desist  
68 orders; amending s. 655.948, F.S.; requiring a  
69 financial institution to notify the office of any  
70 investigations or proceedings initiated by a county or  
71 municipality against the institution within a  
72 specified timeframe; creating s. 655.955, F.S.;  
73 providing that a financial institution is not civilly  
74 liable solely by virtue of extending credit to a  
75 person; amending s. 657.008, F.S.; requiring certain  
76 credit unions seeking to establish a branch office to  
77 submit an application to the office for examination  
78 and approval; providing the criteria for the  
79 examination; amending s. 657.028, F.S.; revising  
80 provisions relating to prohibited activities of  
81 directors, officers, committee members, employees, and  
82 agents of credit unions; requiring the name and  
83 address of the credit manager to be submitted to the  
84 office; amending s. 657.041, F.S.; authorizing a  
85 credit union to pay health and accident insurance  
86 premiums and to fund employee benefit plans under  
87 certain circumstances; amending s. 658.12, F.S.;

576-04572A-14

20141012c2

88 revising the definition of "trust business"; amending  
89 ss. 658.21 and 658.235, F.S.; conforming cross-  
90 references; repealing s. 658.49, F.S., relating to  
91 requirements for bank loans up to \$50,000; amending  
92 ss. 663.02 and 663.09, F.S.; conforming provisions to  
93 changes made by the act; amending s. 663.12, F.S.;  
94 deleting an annual assessment imposed on certain  
95 international offices; amending s. 663.306, F.S.;  
96 conforming provisions to changes made by the act;  
97 amending ss. 665.013, 665.033, 665.034, 667.003,  
98 667.006, and 667.008, F.S.; conforming cross-  
99 references; providing an effective date.

100

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

102

103 Section 1. Paragraph (t) of subsection (1) of section  
104 655.005, Florida Statutes, is amended to read:

105 655.005 Definitions.—

106 (1) As used in the financial institutions codes, unless the  
107 context otherwise requires, the term:

108 (t) "Related interest" means, with respect to a ~~any~~  
109 ~~person~~;

110 1. The person's spouse, ~~partner, sibling, parent,~~ child, or  
111 other dependent individual residing in the same household as the  
112 person; ~~. With respect to any person, the term means~~

113 2. A company, partnership, corporation, or other business  
114 organization controlled by the person. A person has control if  
115 the person:

116 a.1. ~~Owns,~~ Owns, controls, or has the power to vote 25 percent or

576-04572A-14

20141012c2

117 more of any class of voting securities of the organization;

118 ~~b.2.~~ Controls in any manner the election of a majority of  
119 the directors of the organization; or

120 ~~c.3.~~ Has the power to exercise a controlling influence over  
121 the management or policies of the organization; or.

122 3. An individual, company, partnership, corporation, or  
123 other business organization that engages in a common business  
124 enterprise with that person. A common business enterprise exists  
125 if:

126 a. The expected source for repayment of a loan or extension  
127 of credit is the same for each borrower and neither borrower has  
128 another source of income from which the loan, together with the  
129 borrower's other obligations, may be fully repaid. An employer  
130 will not be treated as a source of repayment under this  
131 paragraph because of wages and salaries paid to an employee,  
132 unless the standards of sub-subparagraph b. are met;

133 b. Loans or extensions of credit are made:

134 (I) To borrowers who are directly or indirectly related  
135 through common control, including where one borrower is directly  
136 or indirectly controlled by another borrower; and

137 (II) Substantial financial interdependence exists between  
138 or among the borrowers. Substantial financial interdependence  
139 exists if 50 percent or more of one borrower's gross receipts or  
140 gross expenditures on an annual basis are derived from  
141 transactions with the other borrower. Gross receipts and  
142 expenditures include gross revenues and expenses, intercompany  
143 loans, dividends, capital contributions, and similar receipts or  
144 payments;

145 c. Separate persons borrow from a financial institution to

576-04572A-14

20141012c2

146 acquire a business enterprise such that those borrowers will own  
147 more than 50 percent of the voting securities or voting  
148 interests of the enterprise, in which case a common enterprise  
149 is deemed to exist between the borrowers for purposes of  
150 combining the acquisition loans; or

151 d. The office determines, based upon an evaluation of the  
152 facts and circumstances of particular transactions, that a  
153 common enterprise exists.

154 Section 2. Section 655.017, Florida Statutes, is created to  
155 read:

156 655.017 Local regulation preempted.—

157 (1) A county or municipality may not enact or enforce a  
158 resolution, ordinance, or rule that regulates financial or  
159 lending activities, including a resolution, ordinance, or rule  
160 that disqualifies persons from doing business with a county or  
161 municipality based on lending interest rates, or that imposes  
162 reporting requirements or other obligations regarding the  
163 financial services or lending practices of persons or entities,  
164 and subsidiaries or affiliates thereof which:

165 (a) Are subject to the jurisdiction of the office pursuant  
166 to the financial institutions codes;

167 (b) Are subject to the jurisdiction of the Board of  
168 Governors of the Federal Reserve System, the Office of the  
169 Comptroller of the Currency, the National Credit Union  
170 Administration, the Federal Deposit Insurance Corporation, the  
171 Federal Trade Commission, or the United States Department of  
172 Housing and Urban Development;

173 (c) Originate, purchase, sell, assign, secure, or service  
174 property interests or obligations created by financial

576-04572A-14

20141012c2

175 transactions or loans made, executed, or originated by persons  
176 referred to in paragraph (a) or paragraph (b) which assist or  
177 facilitate such transactions;

178 (d) Are chartered by the United States Congress to engage  
179 in secondary market mortgage transactions; or

180 (e) Are acting on behalf of the Florida Housing Finance  
181 Corporation.

182 (2) This section does not prevent a county or municipality  
183 from engaging in a civil investigation, initiating an  
184 administrative proceeding, or commencing a civil proceeding to  
185 determine compliance with or to enforce a state law, a rule or  
186 order of a state agency, or an ordinance or rule of a county or  
187 municipality which is not preempted pursuant to this section.

188 (3) Notwithstanding subsection (2), a financial institution  
189 shall notify the office of any civil investigation or  
190 administrative or civil proceeding initiated by a county or  
191 municipality in accordance with s. 655.948. The office shall  
192 have sole and exclusive jurisdiction to initiate appropriate  
193 administrative or civil proceedings to enforce such laws, rules,  
194 or orders if the office determines that such investigation or  
195 proceeding:

196 (a) Is based on a local resolution, ordinance, or rule that  
197 is preempted pursuant to subsection (1); or

198 (b) Directly and specifically regulates the manner,  
199 content, or terms and conditions of a financial transaction or  
200 account related thereto, that a financial institution is  
201 authorized to engage in, or prevents, significantly interferes  
202 with, or alters the exercise of powers granted to a financial  
203 institution under the financial institutions codes or any

576-04572A-14

20141012c2

204 applicable federal law or regulation.

205 (4) This section does not limit or restrict the powers of  
206 the Department of Legal Affairs or the law enforcement agencies  
207 of this state to commence a civil or criminal action, as  
208 applicable.

209 Section 3. Section 655.0322, Florida Statutes, is amended  
210 to read:

211 655.0322 Prohibited acts and practices; criminal  
212 penalties.—

213 (1) As used in this section, the term "financial  
214 institution" means a financial institution as defined in s.  
215 655.005 ~~s. 655.50 which includes a state trust company, state or~~  
216 ~~national bank, state or federal association, state or federal~~  
217 ~~savings bank, state or federal credit union, Edge Act or~~  
218 ~~agreement corporation, international bank agency, international~~  
219 ~~branch, representative office or administrative office or other~~  
220 business entity as defined by the commission by rule, whether  
221 organized under the laws of this state, the laws of another  
222 state, or the laws of the United States, which ~~institution~~ is  
223 located in this state.

224 (2) ~~A It is unlawful for any~~ financial institution-  
225 affiliated party may not ~~to~~ ask for, or willfully and knowingly  
226 receive or consent to receive for himself or herself or any  
227 related interest, a ~~any~~ commission, emolument, gratuity, money,  
228 property, or thing of value for:

229 (a) Procuring, or endeavoring to procure, for any person a  
230 loan or extension of credit from such financial institution,  
231 affiliate, subsidiary, or service corporation; or

232 (b) Procuring, or endeavoring to procure, the purchase or



576-04572A-14

20141012c2

233 discount of any note, draft, check, bill of exchange, or other  
234 obligation by such financial institution, affiliate, subsidiary,  
235 or service corporation.

236  
237 Any person who violates this subsection commits ~~is guilty of~~ a  
238 felony of the third degree, punishable as provided in s.  
239 775.082, s. 775.083, or s. 775.084.

240 (3) ~~A It is unlawful for any~~ financial institution-  
241 affiliated party may not ~~to~~:

242 (a) Knowingly receive or possess ~~himself or herself of~~ any  
243 of such financial institution's ~~its~~ property other ~~otherwise~~  
244 than in payment of a just demand, or ~~and~~, with intent to deceive  
245 or defraud, to omit to make or cause to be made a full and true  
246 entry thereof in the financial institution's ~~its~~ books and  
247 accounts, or concur in omitting to make any material entry  
248 thereof;

249 (b) Embezzle, abstract, or misapply any money, property, or  
250 thing of value of such ~~the~~ financial institution, affiliate,  
251 subsidiary, or service corporation with intent to deceive or  
252 defraud the ~~such~~ financial institution, affiliate, subsidiary,  
253 or service corporation;

254 (c) Knowingly make, draw, issue, put forth, or assign any  
255 certificate of deposit, draft, order, bill of exchange,  
256 acceptance, note, debenture, bond or other obligation, mortgage,  
257 judgment, or decree without authority from the board of  
258 directors of such financial institution;

259 (d) Make a ~~any~~ false entry in any book, report, or  
260 statement of such financial institution, affiliate, subsidiary,  
261 or service corporation with intent to deceive or defraud the

576-04572A-14

20141012c2

262 ~~such~~ financial institution, affiliate, subsidiary, or service  
 263 corporation, or another person, firm, or corporation, or with  
 264 intent to deceive the office, any other appropriate federal or  
 265 state regulatory agency, or an ~~any~~ authorized representative  
 266 appointed to examine the affairs of the ~~such~~ financial  
 267 institution, affiliate, subsidiary, or service corporation; or

268 (e) Deliver or disclose to the office or ~~any of~~ its  
 269 employees any application, ~~any~~ examination report, report of  
 270 condition, report of income and dividends, internal audit,  
 271 account, statement, or other document known by him or her to be  
 272 fraudulent or false as to any material matter.

273

274 Any person who violates this subsection commits ~~is guilty of~~ a  
 275 felony of the third degree, punishable as provided in s.  
 276 775.082, s. 775.083, or s. 775.084.

277 (4) A ~~It is unlawful for any~~ financial institution-  
 278 affiliated party may not ~~to~~ knowingly place among the assets of  
 279 such financial institution, affiliate, subsidiary, or service  
 280 corporation any note, obligation, or security that ~~which~~ the  
 281 financial institution, affiliate, subsidiary, or service  
 282 corporation does not own or that, ~~which~~ to the party's  
 283 ~~individual's~~ knowledge, is fraudulent or otherwise worthless or  
 284 for the financial institution-affiliated party ~~any such~~  
 285 ~~individual~~ to represent to the office that any note, obligation,  
 286 or security carried as an asset of such financial institution,  
 287 affiliate, subsidiary, or service corporation is the property of  
 288 the financial institution, affiliate, subsidiary, or service  
 289 corporation and is genuine if it is known to such party  
 290 ~~individual~~ that such representation is false or that the ~~such~~

576-04572A-14

20141012c2

291 note, obligation, or security is fraudulent or otherwise  
292 worthless. Any person who violates this subsection commits ~~is~~  
293 ~~guilty of~~ a felony of the third degree, punishable as provided  
294 in s. 775.082, s. 775.083, or s. 775.084.

295 (5) Any person who willfully makes a ~~any~~ false statement or  
296 report, or willfully overvalues any land, property, or security,  
297 for the purposes of influencing in any way the action of a ~~any~~  
298 financial institution, affiliate, subsidiary, or service  
299 corporation or any other entity authorized by law to extend  
300 credit, upon an ~~any~~ application, advance, discount, purchase,  
301 purchase agreement, repurchase agreement, commitment, or loan,  
302 or any change or extension of ~~any of~~ the same, by renewal,  
303 deferment of action or otherwise, or the acceptance, release, or  
304 substitution of security therefor, commits ~~is guilty of~~ a felony  
305 of the second degree, punishable as provided in s. 775.082, s.  
306 775.083, or s. 775.084.

307 (6) Any person who knowingly executes, or attempts to  
308 execute, a scheme or artifice to defraud a financial  
309 institution, affiliate, subsidiary, or service corporation or  
310 any other entity authorized by law to extend credit, or to  
311 obtain ~~any of~~ the moneys, funds, credits, assets, securities, or  
312 other property owned by, or under the custody or control of, a  
313 financial institution, affiliate, subsidiary, service  
314 corporation, or ~~any~~ other entity authorized by law to extend  
315 credit, by means of false or fraudulent pretenses,  
316 representations, or promises, commits ~~is guilty of~~ a felony of  
317 the second degree, punishable as provided in s. 775.082, s.  
318 775.083, or s. 775.084.

319 Section 4. Section 655.034, Florida Statutes, is amended to

576-04572A-14

20141012c2

320 read:

321 655.034 Injunctions.—

322 (1) If the office determines that ~~Whenever~~ a violation of  
323 the financial institutions codes or a violation of a formal  
324 enforcement action has occurred or is threatened or impending  
325 ~~and such violation will cause substantial injury to a state~~  
326 ~~financial institution or to the depositors, members, creditors,~~  
327 ~~or stockholders thereof,~~ the circuit court has jurisdiction to  
328 hear a any complaint filed by the office and, upon proper  
329 showing, to issue an injunction restraining such violation or  
330 granting other ~~such~~ appropriate relief. Upon proper showing, the  
331 circuit court may also issue an injunction restraining any  
332 conduct or other act in order to protect the interests of  
333 depositors, members, creditors, or stockholders of a financial  
334 institution or the interests of the public in the safety and  
335 soundness of the financial institution system in this state and  
336 the proper conduct of fiduciary functions.

337 (2) As used in this section, the term "formal enforcement  
338 action" means:

339 (a) With respect to a financial institution, a supervisory  
340 action subject to enforcement pursuant to s. 655.033, s.  
341 655.037, or s. 655.041 which directs the financial institution  
342 to take corrective action to address violations of law or safety  
343 and soundness deficiencies.

344 (b) With respect to a person or entity that is not a  
345 financial institution, an order issued by the office pursuant  
346 the financial institutions codes which is directed to such  
347 person or entity.

348 Section 5. Subsection (1) of section 655.037, Florida

576-04572A-14

20141012c2

349 Statutes, is amended to read:

350       655.037 Removal of a financial institution-affiliated party  
351 by the office.—

352       (1) The office may issue and serve upon any financial  
353 institution-affiliated party and upon the ~~state~~ financial  
354 institution, subsidiary, or service corporation involved, a  
355 complaint stating charges if ~~whenever~~ the office has reason to  
356 believe that the financial institution-affiliated party is  
357 engaging or has engaged in conduct that is:

358       (a) An unsafe or unsound practice;

359       (b) A prohibited act or practice;

360       (c) A willful violation of any law relating to financial  
361 institutions;

362       (d) A violation of any other law involving fraud or moral  
363 turpitude which constitutes a felony;

364       (e) A violation of s. 655.50, relating to the ~~Florida~~  
365 control of money laundering and terrorist financing in Financial  
366 ~~Institutions Act~~; chapter 896, relating to offenses related to  
367 financial transactions; or ~~any~~ similar state or federal law;

368       (f) A willful violation of any rule of the commission;

369       (g) A willful violation of any order of the office;

370       (h) A willful breach of any written agreement with the  
371 office; or

372       (i) An act of commission or omission or a practice which is  
373 a breach of trust or a breach of fiduciary duty.

374       Section 6. Present subsections (4) and (5) of section  
375 655.0385, Florida Statutes, are redesignated as subsections (5)  
376 and (6), respectively, and a new subsection (4) is added to that  
377 section, to read:

576-04572A-14

20141012c2

378 655.0385 Disapproval of directors and executive officers.-

379 (4) A director or executive officer of a state financial  
380 institution or affiliate may not concurrently serve as a  
381 director, or be employed as an officer, of a nonaffiliated  
382 financial institution or affiliate whose principal place of  
383 business is located in the same metropolitan statistical area in  
384 this state. A person affected by this prohibition may provide  
385 written notice to the office of the proposed appointment or  
386 employment. Such notice may provide information that such  
387 concurrent service does not present a conflict of interest and  
388 that neither institution is competitively disadvantaged in the  
389 common market area. The office may waive this prohibition if the  
390 information provided demonstrates that the individual's proposed  
391 concurrent service does not present a conflict of interest and  
392 neither institution is competitively disadvantaged in the common  
393 market area. A person who violates this subsection is subject to  
394 suspension, removal, or prohibition under s. 655.037.

395 Section 7. Section 655.041, Florida Statutes, is amended to  
396 read:

397 655.041 Administrative fines; enforcement.-

398 (1) The office may, by complaint, initiate a proceeding  
399 pursuant to chapter 120 to impose an administrative fine against  
400 any person found to have violated a any provision of the  
401 financial institutions codes or the rules adopted thereunder, an  
402 ~~or a cease and desist~~ order of the office, or a any written  
403 agreement with the office. Such ~~No such~~ proceeding may not ~~shall~~  
404 be initiated and ~~no fine shall accrue pursuant to this section~~  
405 until after such person has been notified in writing of the  
406 nature of the violation and ~~has been~~ afforded a reasonable

576-04572A-14

20141012c2

407 period of time, as set forth in the notice, to correct the  
408 violation and has failed to do so. If the office provided such  
409 notice, a fine for a violation of an office order or written  
410 agreement begins to accrue immediately upon service of the  
411 complaint and continues to accrue until the violation is  
412 corrected.

413 (2) ~~Any~~ Such fine may not exceed \$2,500 per a day for each  
414 violation except as provided in this section.

415 (a) If the office determines that ~~any~~ such person has  
416 recklessly violated a ~~any~~ provision of the financial  
417 institutions codes, an ~~or a cease and desist~~ order of the  
418 office, or a ~~any~~ written agreement with the office, which  
419 violation results in more than a minimal loss to a financial  
420 institution, affiliate, subsidiary, or service corporation, or  
421 in a pecuniary benefit to such person, the office may impose a  
422 fine of up to ~~not exceeding~~ \$10,000 per a day for each day the  
423 violation continues.

424 (b) If the office determines that ~~any~~ such person has  
425 knowingly violated a ~~any~~ provision of the financial institutions  
426 codes, an ~~or a cease and desist~~ order of the office, or a ~~any~~  
427 written agreement with the office, which violation results in  
428 more than a minimal loss to a financial institution, affiliate,  
429 subsidiary, or service corporation, or in a pecuniary benefit to  
430 such a person, the office may impose a fine of up to ~~not~~  
431 ~~exceeding~~ the lesser of \$500,000 per day or 1 percent of the  
432 total assets in the case of a financial institution, or \$50,000  
433 per day in any other case for each day the violation continues.

434 (c) The office may by complaint impose an administrative  
435 fine of up to, ~~not exceeding~~ \$10,000 per a day on a, ~~upon any~~

576-04572A-14

20141012c2

436 financial institution-affiliated party, on ~~and upon~~ a state  
437 financial institution, subsidiary, service corporation, or  
438 affiliate, or on a person subject to supervision by the office  
439 pursuant to s. 655.0391 which ~~who~~ refuses to permit an examiner  
440 to examine a state financial institution, subsidiary, or service  
441 corporation; ~~who~~ ~~refuses~~ to permit an examiner to review the  
442 books and records of an affiliate or a contracting service  
443 entity subject to supervision by the office pursuant to s.  
444 655.0391; ~~or who~~ ~~refuses~~ to give an examiner any information  
445 required in the course of an ~~any~~ examination or review of the  
446 books and records.

447 (3) An ~~Any~~ administrative fine levied by the office may be  
448 enforced by the office ~~by appropriate proceedings~~ in the circuit  
449 court of the county in which such person resides or in which the  
450 principal office of a state financial institution, affiliate,  
451 subsidiary, service corporation, or contracting service entity  
452 is located or does business in the state. In any administrative  
453 or judicial proceeding arising under this section, a party may  
454 elect to correct the violation asserted by the office and, upon  
455 doing so, any fine ceases to accrue; however, an election to  
456 correct the violation does not render an ~~any~~ administrative or  
457 judicial proceeding moot.

458 Section 8. Section 655.045, Florida Statutes, is amended to  
459 read:

460 655.045 Examinations, reports, and internal audits;  
461 penalty.—

462 (1) The office shall conduct an examination of the  
463 condition of each state financial institution at least every 18  
464 months ~~during each 18-month period~~. The office may conduct more



576-04572A-14

20141012c2

465 frequent examinations based upon the risk profile of the  
466 financial institution, prior examination results, or significant  
467 changes in the institution or its operations. The office may use  
468 continuous, phase, or other flexible scheduling examination  
469 methods for very large or complex state financial institutions  
470 and financial institutions owned or controlled by a multi-  
471 financial institution holding company. The office shall consider  
472 examination guidelines from federal regulatory agencies in order  
473 to facilitate, coordinate, and standardize examination  
474 processes.

475 (a) ~~With respect to, and examination of, the condition of a~~  
476 ~~state institution,~~ The office may accept an examination of a  
477 state financial institution made by an appropriate federal  
478 regulatory agency, ~~or may~~ conduct ~~make~~ a joint or concurrent  
479 examination of the institution with the federal agency. However,  
480 at least once during each 36-month period beginning July 1,  
481 2014, the office shall conduct an examination of each state  
482 financial institution in a manner that allows the preparation of  
483 a complete examination report not subject to the right of a  
484 federal or other non-Florida entity to limit access to the  
485 information contained therein. The office may furnish a copy of  
486 all examinations or reviews made of financial institutions or  
487 their affiliates to the state or federal agencies participating  
488 in the examination, investigation, or review, or as otherwise  
489 authorized under ~~by~~ s. 655.057.

490 (b) If, as a part of an examination or investigation of a  
491 state financial institution, subsidiary, or service corporation,  
492 the office has reason to believe that the conduct or business  
493 operations of an affiliate may have a negative impact on the

576-04572A-14

20141012c2

494 state financial institution, subsidiary, or service corporation,  
495 the office may conduct such examination or investigation of the  
496 affiliate as the office deems necessary.

497 (c) The office may recover the costs of examination and  
498 supervision of a state financial institution, subsidiary, or  
499 service corporation that is determined by the office to be  
500 engaged in an unsafe or unsound practice. The office may also  
501 recover the costs of a ~~any~~ review conducted pursuant to  
502 paragraph (b) of an ~~any~~ affiliate of a state financial  
503 institution determined by the office to have contributed to an  
504 unsafe or unsound practice at a state financial institution,  
505 subsidiary, or service corporation.

506 (d) As used in ~~For the purposes of~~ this section, the term  
507 "costs" means the salary and travel expenses directly  
508 attributable to the field staff examining the state financial  
509 institution, subsidiary, or service corporation, and the travel  
510 expenses of any supervisory staff required as a result of  
511 examination findings. The mailing of any costs incurred under  
512 this subsection must be postmarked within 30 days after the date  
513 of receipt of a notice stating that such costs are due. The  
514 office may levy a late payment of up to \$100 per day or part  
515 thereof that a payment is overdue, unless excused for good  
516 cause. However, for intentional late payment of costs, the  
517 office may levy an administrative fine of up to \$1,000 per day  
518 for each day the payment is overdue.

519 (e) The office may require an audit of a state financial  
520 institution, subsidiary, or service corporation by an  
521 independent certified public accountant, or other person  
522 approved by the office, ~~if~~ the office, after conducting an

576-04572A-14

20141012c2

523 examination of the state financial institution, subsidiary, or  
524 service corporation, or after accepting an examination of the  
525 ~~such~~ state financial institution by an appropriate state or  
526 federal regulatory agency, determines that an audit is necessary  
527 in order to ascertain the condition of the financial  
528 institution, subsidiary, or service corporation. The cost of  
529 such audit shall be paid by the state financial institution,  
530 subsidiary, or state service corporation audited.

531 (2)~~(a)~~ Each state financial institution, subsidiary, or  
532 service corporation shall submit a report, at least four times  
533 each calendar year, as of such dates as the commission or office  
534 determines. The ~~Such~~ report must include such information as the  
535 commission by rule requires for that type of institution.

536 (a)~~(b)~~ The office shall levy an administrative fine of up  
537 to \$100 per day for each day the report is past due, unless it  
538 is excused for good cause. ~~However,~~

539 (b) For an intentional late filing of the report ~~required~~  
540 ~~under paragraph (a)~~, the office shall levy an administrative  
541 fine of up to \$1,000 per day for each day the report is past  
542 due.

543 (3)~~(a)~~ The board of directors of each state financial  
544 institution or, in the case of a credit union, the supervisory  
545 committee or audit committee shall perform or cause to be  
546 performed, within each calendar year, an internal audit of each  
547 state financial institution, subsidiary, or service corporation  
548 and ~~to~~ file a copy of the report and findings of such audit with  
549 the office on a timely basis. The ~~Such~~ internal audit must  
550 include such information as the commission by rule requires for  
551 that type of institution.

576-04572A-14

20141012c2

552        (a)~~(b)~~ With the approval of the office, the board of  
553 directors or, in the case of a credit union, the supervisory  
554 committee may elect, in lieu of such periodic audits, to adopt  
555 and implement an adequate continuous audit system and procedure  
556 that includes ~~which must include~~ full, adequate, and continuous  
557 written reports to, and review by, the board of directors or, in  
558 the case of a credit union, the supervisory committee, together  
559 with written statements of the actions taken thereon and reasons  
560 for omissions to take actions, all of which shall be noted in  
561 the minutes and filed among the records of the board of  
562 directors or, in the case of a credit union, the supervisory  
563 committee. If at any time such continuous audit system and  
564 procedure, including the reports and statements, becomes  
565 inadequate, in the judgment of the office, the state financial  
566 institution shall promptly make such changes as may be required  
567 by the office to cause the same to accomplish the purpose of  
568 this section.

569        (b)~~(c)~~ A ~~Any~~ de novo state financial institution open less  
570 than 4 months is exempt from the audit requirements of this  
571 section.

572        (4) A copy of the report of each examination must be  
573 furnished to the entity examined and. ~~Such report shall be~~  
574 presented to the board of directors at its next regular or  
575 special meeting.

576        Section 9. Paragraph (a) of subsection (3) and subsections  
577 (4) through (6) of section 655.057, Florida Statutes, are  
578 amended to read:

579        655.057 Records; limited restrictions upon public access.—

580        (3) The provisions of this section do not prevent or

576-04572A-14

20141012c2

581 restrict:

582 (a) Publishing reports that are required to be submitted to  
583 the office pursuant to s. 655.045(2) ~~(a)~~ or required by  
584 applicable federal statutes or regulations to be published.

585

586 Any confidential information or records obtained from the office  
587 pursuant to this subsection shall be maintained as confidential  
588 and exempt from the provisions of s. 119.07(1).

589 (4) (a) Orders of courts or of administrative law judges for  
590 the production of confidential records or information must ~~shall~~  
591 provide for inspection in camera by the court or the  
592 administrative law judge. ~~and,~~ After the court or administrative  
593 law judge determines ~~has made a determination~~ that the documents  
594 requested are relevant or would likely lead to the discovery of  
595 admissible evidence and that the information sought is not  
596 otherwise reasonably available from other sources, the said  
597 documents shall be subject to further orders by the court or the  
598 administrative law judge to protect the confidentiality thereof.  
599 Any order directing the release of information is ~~shall be~~  
600 immediately reviewable, and a petition by the office for review  
601 of such order ~~shall~~ automatically stays ~~stay~~ further proceedings  
602 in the trial court or the administrative hearing until the  
603 disposition of such petition by the reviewing court. If any  
604 other party files such a petition for review, it will operate as  
605 a stay of such proceedings only upon order of the reviewing  
606 court.

607 (b) Confidential records and information furnished pursuant  
608 to a legislative subpoena shall be kept confidential by the  
609 legislative body or committee that ~~which~~ received the records or

576-04572A-14

20141012c2

610 information. However, ~~except~~ in a case involving investigation  
611 of charges against a public official subject to impeachment or  
612 removal, ~~and then~~ disclosure of such information shall be only  
613 to the extent necessary as determined by the legislative body or  
614 committee to be necessary.

615 (c) Documents, statements, books, records, and any other  
616 information provided to the office by any person pursuant to an  
617 investigation, examination, or other supervisory activity by the  
618 office are not considered a waiver of any privilege or other  
619 legal right in an administrative or legal proceeding in which  
620 the office is not a party.

621 (5) Every credit union and mutual association shall  
622 ~~maintain, in the principal office where its business is~~  
623 ~~transacted,~~ full and correct records of the names and residences  
624 of all the members of the credit union or mutual association in  
625 the principal office where its business is transacted. Such  
626 records are ~~shall be~~ subject to the inspection by ~~of~~ all the  
627 members of the credit union or mutual association, and the  
628 officers authorized to assess taxes under state authority,  
629 during normal business hours ~~of each business day.~~ No member or  
630 any other person has the right to copy the membership records  
631 for any purpose other than in the course of business of the  
632 credit union or mutual association, as authorized by the office  
633 or the board of directors of the credit union or mutual  
634 association. A current list of members shall be made available  
635 to the office's examiners for their inspection and, upon the  
636 request of the office, shall be submitted to the office. Except  
637 as otherwise provided in this subsection, the list of the  
638 members of the credit union or mutual association is

576-04572A-14

20141012c2

639 confidential and exempt from ~~the provisions of~~ s. 119.07(1).

640 (6) Every bank, trust company, and stock association shall  
641 maintain, in the principal office where its business is  
642 transacted, full and complete records of the names and  
643 residences of all the shareholders of the bank, trust company,  
644 or stock association and the number of shares held by each. Such  
645 records are ~~shall be~~ subject to the inspection of all the  
646 shareholders of the bank, trust company, or stock association,  
647 and the officers authorized to assess taxes under state  
648 authority, during normal business hours ~~of each banking day~~. No  
649 shareholder or any other person has the right to copy the  
650 shareholder records for any purpose other than in the course of  
651 business of the bank, the trust company, or the stock  
652 association, as authorized by the office or the board of  
653 directors of the bank, the trust company, or the stock  
654 association. A current list of shareholders shall be made  
655 available to the office's examiners for their inspection and,  
656 upon the request of the office, shall be submitted to the  
657 office. Except as otherwise provided in this subsection, any  
658 portion of this list which reveals the identities of the  
659 shareholders is confidential and exempt from ~~the provisions of~~  
660 s. 119.07(1).

661 Section 10. Section 655.0591, Florida Statutes, is created  
662 to read:

663 655.0591 Trade secret documents.-

664 (1) If any person who is required to submit documents or  
665 other information to the office pursuant to the financial  
666 institutions codes, or by rule or order of the office or  
667 commission, claims that such submission contains a trade secret,

576-04572A-14

20141012c2

668 such person may file with the office a notice of trade secret  
669 when the information is submitted to the office as provided in  
670 this section. Failure to file such notice constitutes a waiver  
671 of any claim by such person that the document or information is  
672 a trade secret. The notice must provide the contact information  
673 of the person claiming ownership of the trade secret. The person  
674 claiming the trade secret is responsible for updating the  
675 contact information with the office.

676 (a) Each page of such document or specific portion of a  
677 document claimed to be a trade secret must be clearly marked  
678 with the words "trade secret."

679 (b) All material identified as a trade secret shall be  
680 segregated from all other material, such as by being sealed in  
681 an envelope clearly marked with the words "trade secret."

682 (c) In submitting a notice of trade secret to the office or  
683 the Department of Financial Services, the submitting party shall  
684 include an affidavit certifying under oath to the truth of the  
685 following statements concerning all documents or information  
686 that are claimed to be trade secrets:

687 1. [...I consider/my company considers...] this information  
688 a trade secret that has value and provides an advantage or an  
689 opportunity to obtain an advantage over those who do not know or  
690 use it.

691 2. [...I have/my company has...] taken measures to prevent  
692 the disclosure of the information to anyone other than those who  
693 have been selected to have access for limited purposes, and  
694 [...I intend/my company intends...] to continue to take such  
695 measures.

696 3. The information is not, and has not been, reasonably



576-04572A-14

20141012c2

697 obtainable without [...my/our...] consent by other persons by  
698 use of legitimate means.

699 4. The information is not publicly available elsewhere.

700 (2) If the office receives a public records request for a  
701 document or information that is marked and certified as a trade  
702 secret, the office shall promptly notify the person that  
703 certified the document as a trade secret. The notice shall be  
704 sent to the address provided with the most recent contact  
705 information provided to the office and must inform such person  
706 that, in order to avoid disclosure of the trade secret, the  
707 person must file an action in circuit court within 30 days after  
708 the date of the notice seeking a declaratory judgment that the  
709 document in question contains trade secrets and an order barring  
710 public disclosure of the document. The owner shall provide  
711 written notice to the office that the action was filed and the  
712 office may not release the documents pending the outcome of  
713 legal action. Failure to file an action within 30 days  
714 constitutes a waiver of any claim of confidentiality, and the  
715 office shall release the document as requested.

716 (3) The office may disclose a trade secret, together with  
717 the claim that it is a trade secret, to an officer or employee  
718 of another governmental agency whose use of the trade secret is  
719 within the scope of his or her employment.

720 Section 11. Section 655.50, Florida Statutes, is reordered  
721 and amended to read:

722 655.50 Florida Control of Money Laundering and Terrorist  
723 Financing in Financial Institutions Act; ~~reports of transactions~~  
724 ~~involving currency or monetary instruments; when required;~~  
725 ~~purpose; definitions; penalties.-~~

576-04572A-14

20141012c2

726 (1) This section may be cited as the "Florida Control of  
727 Money Laundering and Terrorist Financing in Financial  
728 Institutions Act."

729 (2) ~~It is~~ The purpose of this section is to require the  
730 submission to the office of certain reports and the maintenance  
731 of certain records of customers, accounts, and transactions  
732 involving currency or monetary instruments or suspicious  
733 activities if ~~when~~ such reports and records deter using ~~the use~~  
734 ~~of~~ financial institutions to conceal, move, or provide the  
735 proceeds obtained from or intended for ~~of~~ criminal or terrorist  
736 activities and if such reports and records ~~activity and~~ have a  
737 high degree of usefulness in criminal, tax, or regulatory  
738 investigations or proceedings.

739 (3) As used in this section, the term:

740 (a) "BSA/AML compliance officer" means the financial  
741 institution's officer responsible for the development and  
742 implementation of the financial institution's policies and  
743 procedures for complying with the requirements of this section  
744 relating to anti-money laundering (AML), and the requirements of  
745 the Bank Secrecy Act of 1970 (BSA), Pub. L. No. 91-508, as  
746 amended, the USA Patriot Act of 2001, Pub. L. No. 107-56, as  
747 amended, and federal and state rules and regulations adopted  
748 thereunder, and 31 C.F.R. parts 500-598, relating to the  
749 regulations of the Office of Foreign Assets Control (OFAC) of  
750 the United States Department of the Treasury.

751 (b) ~~(a)~~ "Currency" means currency and coin of the United  
752 States or of any other country.

753 (c) ~~(b)~~ "Financial institution" means a financial  
754 institution, as defined in 31 U.S.C. s. 5312, as amended,

576-04572A-14

20141012c2

755 including a credit card bank, located in this state.

756 (d)~~(e)~~ "Financial transaction" means a transaction  
757 involving the movement of funds by wire, electronic funds  
758 transfer, or any other means, or involving one or more monetary  
759 instruments, which in any way or degree affects commerce, or a  
760 transaction involving the use of a financial institution that  
761 ~~which~~ is engaged in, or the activities of which affect, commerce  
762 in any way or degree.

763 (e)~~(d)~~ "Monetary instruments" means coin or currency of the  
764 United States or of any other country, travelers' checks,  
765 personal checks, bank checks, money orders, stored value cards,  
766 prepaid cards, investment securities or ~~in bearer form or~~  
767 ~~otherwise in such form that title thereto passes upon delivery,~~  
768 ~~and~~ negotiable instruments in bearer form or otherwise in such  
769 form that title thereto passes upon delivery, or similar  
770 devices.

771 (i)~~(e)~~ "Transaction" means a purchase, sale, loan, pledge,  
772 gift, transfer, delivery, or other disposition, and with respect  
773 to a financial institution includes a deposit, withdrawal,  
774 transfer between accounts, exchange of currency, loan, extension  
775 of credit, purchase or sale of any stock, bond, certificate of  
776 deposit, or other monetary instrument, or any other payment,  
777 transfer, or delivery by, through, or to a financial  
778 institution, by whatever means effected.

779 (f) "Report" means a report of each deposit, withdrawal,  
780 exchange of currency, or other payments or transfer, by,  
781 through, or to that financial institution, which ~~that~~ involves a  
782 transaction required or authorized to be reported by this  
783 section, and includes the electronic submission of such

576-04572A-14

20141012c2

784 information in the manner provided ~~for~~ by rule of the  
785 commission.

786 (g) "Specified unlawful activity" means ~~any~~ "racketeering  
787 activity" as defined in s. 895.02.

788 (h) "Suspicious activity" means any transaction reportable  
789 as required and described under 31 C.F.R. s. 1020.320.

790 (4) A financial institution shall designate and retain a  
791 BSA/AML compliance officer. The board of directors of a  
792 financial institution must ensure that the designated compliance  
793 officer is properly qualified and has sufficient authority and  
794 resources to administer an effective BSA/AML compliance program.  
795 The board is ultimately responsible for establishing the  
796 institution's BSA/AML policies and overall BSA/AML compliance. A  
797 change in the BSA/AML compliance officer must be reported to the  
798 office.

799 ~~(5)-(4)-(a)~~ A ~~Every~~ financial institution shall keep a record  
800 of each financial transaction occurring in this state known to  
801 it which involves ~~to involve~~ currency or other monetary  
802 instrument, as the commission prescribes by rule, has ~~of~~ a value  
803 greater than ~~in excess of~~ \$10,000, and involves ~~to involve~~ the  
804 proceeds of specified unlawful activity, or is ~~to be~~ designed to  
805 evade the reporting requirements of this section, chapter 896,  
806 or ~~any~~ similar state or federal law, or which the financial  
807 institution reasonably believes is suspicious activity. Each  
808 financial institution ~~and~~ shall maintain appropriate procedures  
809 to ensure compliance with this section, chapter 896, and ~~any~~  
810 other similar state or federal law. Any report of suspicious  
811 activity made pursuant to this subsection is entitled to the  
812 same confidentiality provided under 31 C.F.R. s. 1020.320,

576-04572A-14

20141012c2

813 whether the report or information pertaining to or identifying  
814 the report is in the possession or control of the office or the  
815 reporting institution.

816 (a)~~(b)~~ Multiple financial transactions shall be treated as  
817 a single transaction if the financial institution has knowledge  
818 that they are made by or on behalf of any person and result in  
819 ~~either~~ cash in or cash out totaling more than \$10,000 during any  
820 business day~~7~~, as defined in s. 655.89(1).

821 (b)~~(e)~~ A Any financial institution may keep a record of any  
822 financial transaction occurring in this state, regardless of the  
823 value, if it suspects that the transaction involves ~~to involve~~  
824 the proceeds of specified unlawful activity.

825 (c)~~(d)~~ A financial institution, or officer, employee, or  
826 agent thereof, which ~~that~~ files a report in good faith pursuant  
827 to this subsection ~~section~~ is not liable to any person for loss  
828 or damage caused in whole or in part by the making, filing, or  
829 governmental use of the report, or any information contained  
830 therein.

831 (d)~~(5)~~~~(a)~~ Each financial institution shall file a report  
832 ~~with the office of the~~ records ~~record~~ required under this  
833 subsection with the office ~~paragraphs (4)(a) and (b) and any~~  
834 ~~record maintained pursuant to paragraph (4)(c).~~ Each report  
835 shall ~~record filed pursuant to subsection (4)~~ must be filed at  
836 such time and must contain such information as the commission  
837 requires by rule.

838 (e)~~(b)~~ The timely filing of the reports ~~report~~ required by  
839 31 U.S.C. s. 5313 and 31 C.F.R. part 1020 with the appropriate  
840 federal agency is deemed compliance with the reporting  
841 requirements of this subsection unless the reports are not

576-04572A-14

20141012c2

842 regularly and comprehensively transmitted by the federal agency  
843 to the office.

844 (6) Each financial institution shall maintain a record of  
845 each qualified business customer that is ~~designation of a person~~  
846 granted an exemption under ~~the authority of~~ 31 U.S.C. s. 5313,  
847 including any name, address, and taxpayer identification number  
848 of the exempt customer ~~person~~, as well as the name and address  
849 of the financial institution and the signature of the financial  
850 institution official designating the exempt customer ~~person~~.  
851 Such record of exemptions shall be made available to the office  
852 for inspection and copying and ~~shall be~~ submitted to the office  
853 within 15 days after request.

854 (7) All reports and records filed with the office pursuant  
855 to this section are confidential and exempt from s. 119.07(1).  
856 However, the office shall provide any report filed pursuant to  
857 this section, or information contained therein, to federal,  
858 state, and local law enforcement and prosecutorial agencies, and  
859 any federal or state agency responsible for the regulation or  
860 supervision of financial institutions.

861 (8) ~~(a)~~ Each financial institution shall maintain:

862 (a) ~~For a minimum of 5 calendar years~~ Full and complete  
863 records of all financial transactions, including all records  
864 required by 31 C.F.R. parts 500-598 and 1010 for a minimum of 5  
865 calendar years ~~parts 103.33 and 103.34.~~

866 ~~(b) The financial institution shall retain~~ A copy of all  
867 reports filed with the office under subsection (5) ~~(4)~~ for a  
868 minimum of 5 calendar years after submission of the report.

869 ~~(c) The financial institution shall retain~~ A copy of all  
870 records of exemption for each qualified business customer

576-04572A-14

20141012c2

871 ~~designation of exempt person~~ made pursuant to subsection (6) for  
872 a minimum of 5 calendar years after termination of exempt status  
873 of such customer.

874 (9) The office, in addition to any other power conferred  
875 upon it to enforce and administer this chapter and the financial  
876 institutions codes, ~~the office~~ may:

877 (a) Bring an action in any court of competent jurisdiction  
878 to enforce or administer this section. In such action, the  
879 office may seek an award of any civil penalty authorized by law  
880 and any other appropriate relief at law or equity.

881 (b) Pursuant to s. 655.033, issue and serve upon a person  
882 an order requiring such person to cease and desist and take  
883 corrective action if ~~whenever~~ the office finds that such person  
884 is violating, has violated, or is about to violate any provision  
885 of this section, chapter 896, or ~~any~~ similar state or federal  
886 law; any rule or order adopted under this section, chapter 896,  
887 or ~~any~~ similar state or federal law; or any written agreement  
888 related to this section, chapter 896, or ~~any~~ similar state or  
889 federal law and entered into with the office.

890 (c) Pursuant to s. 655.037, issue and serve upon any person  
891 an order of removal if ~~whenever~~ the office finds that such  
892 person is violating, has violated, or is about to violate any  
893 provision of this section, chapter 896, or ~~any~~ similar state or  
894 federal law; any rule or order adopted under this section,  
895 chapter 896, or ~~any~~ similar state or federal law; or any written  
896 agreement related to this section, chapter 896, or ~~any~~ similar  
897 state or federal law and entered into with the office.

898 (d) Impose and collect an administrative fine against any  
899 person found to have violated any provision of this section,

576-04572A-14

20141012c2

900 chapter 896, or ~~any~~ similar state or federal law; any rule or  
901 order adopted under this section, chapter 896, or ~~any~~ similar  
902 state or federal law; or any written agreement related to this  
903 section, chapter 896, or ~~any~~ similar state or federal law and  
904 entered into with the office, in an amount up to ~~not exceeding~~  
905 \$10,000 per a day for each willful violation or \$500 per a day  
906 for each negligent violation.

907 (10) (a) Except as provided in paragraph (b), a person who  
908 willfully violates ~~any provision of~~ this section commits ~~is~~  
909 ~~guilty of~~ a misdemeanor of the first degree, punishable as  
910 provided in s. 775.082 or s. 775.083.

911 (b) A person who willfully violates or knowingly causes  
912 another to violate ~~any provision of~~ this section, when the  
913 violation involves:

914 1. Financial transactions totaling or exceeding \$300 but  
915 less than \$20,000 in any 12-month period, commits ~~is guilty of~~ a  
916 felony of the third degree, punishable as provided in s. 775.082  
917 or s. 775.083; ~~or~~

918 2. Financial transactions totaling or exceeding \$20,000 but  
919 less than \$100,000 in any 12-month period, commits ~~is guilty of~~  
920 a felony of the second degree, punishable as provided in s.  
921 775.082 or s. 775.083; or

922 3. Financial transactions totaling or exceeding \$100,000 in  
923 any 12-month period, commits ~~is guilty of~~ a felony of the first  
924 degree, punishable as provided in s. 775.082 or s. 775.083.

925 (c) In addition to the penalties otherwise authorized by  
926 ss. 775.082 and 775.083, a person who has been convicted of or  
927 who has pleaded guilty or nolo contendere to having violated  
928 paragraph (b) may be sentenced to pay a fine of up to ~~not~~



576-04572A-14

20141012c2

929 ~~exceeding~~ \$250,000 or twice the value of the financial  
930 transaction, whichever is greater, except that on a second or  
931 subsequent conviction for or plea of guilty or nolo contendere  
932 to a violation of paragraph (b), the fine may be up to \$500,000  
933 or quintuple the value of the financial transaction, whichever  
934 is greater.

935 (d) A financial institution as defined in s. 655.005 which  
936 ~~that~~ willfully violates this section is also liable for a civil  
937 penalty of not more than the greater of the value of the  
938 financial transaction involved or \$25,000. However, the civil  
939 penalty may not exceed \$100,000.

940 (e) A person other than a financial institution as defined  
941 in s. 655.005 who violates this section is also liable for a  
942 civil penalty of not more than the greater of the value of the  
943 financial transaction involved or \$25,000.

944 (11) In any prosecution brought pursuant to this section,  
945 the common law corpus delicti rule does not apply. The  
946 defendant's confession or admission is admissible during trial  
947 without the state having to prove the corpus delicti if the  
948 court finds in a hearing conducted outside the presence of the  
949 jury that the defendant's confession or admission is  
950 trustworthy. Before the court admits the defendant's confession  
951 or admission, the state must prove by a preponderance of the  
952 evidence that there is sufficient corroborating evidence that  
953 tends to establish the trustworthiness of the statement by the  
954 defendant. Hearsay evidence is admissible during the  
955 presentation of evidence at the hearing. In making its  
956 determination, the court may consider all relevant corroborating  
957 evidence, including the defendant's statements.

576-04572A-14

20141012c2

958 Section 12. Section 655.85, Florida Statutes, is amended to  
959 read:

960 655.85 Settlement of checks.—If a ~~Whenever any~~ check is  
961 forwarded or presented to a financial ~~an~~ institution for  
962 payment, except when presented by the payee in person, the  
963 paying institution or remitting institution shall settle the  
964 amount of the check at par ~~may pay or remit the same~~, at its  
965 option, ~~either~~ in money or in exchange drawn on its reserve  
966 agent or agents in the City of New York or in any reserve city  
967 within the Sixth Federal Reserve District; ~~however, an~~  
968 ~~institution may not settle any check drawn on it otherwise than~~  
969 ~~at par.~~ The term "at par" applies only to the settlement of  
970 checks between collecting and paying or remitting institutions  
971 and does not apply to, or prohibit an institution from,  
972 deducting from the face amount of the check drawn on it a fee  
973 for paying the check if the check is presented to the  
974 institution by the payee in person. ~~The provisions of This~~  
975 section does ~~do~~ not apply ~~with respect~~ to the settlement of a  
976 check sent to such institution as a special collection item.

977 Section 13. The Legislature intends that the amendment to  
978 s. 655.85, Florida Statutes, made by this act, clarify the  
979 relevant portions of the financial institutions codes as defined  
980 in s. 655.005, Florida Statutes, relating to fees imposed by a  
981 financial institution for the payment of checks presented in  
982 person without requiring further amendment.

983 Section 14. Section 655.921, Florida Statutes, is amended  
984 to read:

985 655.921 Transaction of business by out-of-state financial  
986 institutions; ~~exempt transactions in the financial institutions~~

576-04572A-14

20141012c2

987 codes.-

988 (1) ~~Nothing in~~ The financial institutions codes do not  
989 ~~shall be construed to~~ prohibit a financial institution or  
990 business trust that has ~~having~~ its principal place of business  
991 outside this state and that does not operate ~~operating~~ branches  
992 in this state from:

993 (a) Contracting in this state with any person to acquire  
994 from such person a part, or the entire, interest in a loan that  
995 such person ~~proposes to make, has heretofore made, or hereafter~~  
996 makes, together with a like interest in any security instrument  
997 covering real or personal property in the state ~~proposed to be~~  
998 ~~given or hereafter or heretofore~~ given to such person to secure  
999 or evidence such loan.

1000 (b) Entering into mortgage servicing contracts with persons  
1001 authorized to transact business in this state and enforcing in  
1002 this state the obligations ~~heretofore or hereafter~~ acquired by  
1003 it in the transaction of business outside this state or in the  
1004 transaction of any business authorized by this section.

1005 (c) Acquiring, holding, leasing, mortgaging, contracting  
1006 with respect to, or otherwise protecting, managing, or conveying  
1007 property in this state which is ~~has heretofore or may hereafter~~  
1008 ~~be~~ assigned, transferred, mortgaged, or conveyed to it as  
1009 security for, or in whole or in part in satisfaction of, a loan  
1010 or loans made by it or obligations acquired by it in the  
1011 transaction of any business authorized by this section.

1012 (d) Making loans or committing to make loans to any person  
1013 located in this state and soliciting compensating deposit  
1014 balances in connection therewith.

1015 (e) Filing suit in any court in this state to collect any

576-04572A-14

20141012c2

1016 debt or foreclose on any security interest in collateral  
1017 securing a debt.

1018 (2) A ~~No such~~ financial institution or business trust may  
1019 not shall be deemed to be transacting business in this state, or  
1020 be required to qualify ~~se~~ to do so, solely by reason of the  
1021 performance of any of the acts or business authorized in this  
1022 section.

1023 Section 15. Section 655.922, Florida Statutes, is amended  
1024 to read:

1025 655.922 Banking business by unauthorized persons; use of  
1026 name.—

1027 (1) Only ~~No person other than~~ a financial institution  
1028 authorized to do business in this state pursuant to the  
1029 financial institutions codes of any state or federal law may  
1030 ~~shall, in this state,~~ engage in the business of soliciting or  
1031 receiving funds for deposit, ~~or of~~ issuing certificates of  
1032 deposit, ~~or of~~ paying checks in this state; and only such  
1033 financial institution may ~~no person shall~~ establish or maintain  
1034 a place of business in this state for any of the functions,  
1035 transactions, or purposes identified ~~mentioned~~ in this  
1036 subsection. A ~~Any~~ person who violates ~~the provisions of~~ this  
1037 subsection commits ~~is guilty of~~ a felony of the third degree,  
1038 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
1039 This subsection does not prohibit the issuance or sale by a  
1040 financial institution of traveler's checks, money orders, or  
1041 other instruments for the transmission or payment of money, by  
1042 or through employees or agents of the financial institution off  
1043 the financial institution's premises.

1044 (2) Only ~~No person other than~~ a financial institution

576-04572A-14

20141012c2

1045 authorized to do business ~~shall,~~ in this state as provided under  
1046 subsection (1) may:

1047 (a) Transact or solicit business under any name or title  
1048 that contains the words "bank," "banc," "banco," "banque,"  
1049 "banker," "banking," "trust company," "savings and loan  
1050 association," "savings bank," or "credit union," or words of  
1051 similar import, in any context or in any manner;

1052 (b) Use any name, word, trademark, service mark, trade  
1053 name, Internet address, logo, sign, symbol, or device in any  
1054 context or in any manner; or

1055 (c) Circulate or use any letterhead, billhead, circular,  
1056 paper, electronic media, Internet website or posting, or writing  
1057 of any kind or otherwise advertise or represent in any manner,  
1058

1059 which indicates or reasonably implies that the business being  
1060 solicited, conducted, or advertised is the kind or character of  
1061 business transacted or conducted by a financial institution or  
1062 which is likely to lead any person to believe that such business  
1063 is that of a financial institution; however, the words "bank,"  
1064 "banc," "banco," "banque," "banker," "banking," "trust company,"  
1065 "savings and loan association," "savings bank," or "credit  
1066 union," or the plural of any thereof, may be used by, and in the  
1067 corporate or other name or title of, any company that ~~which~~ is  
1068 or becomes a ~~financial institution~~ holding company of a  
1069 financial institution pursuant to state or federal law; any  
1070 subsidiary of ~~any such financial institution~~ holding company  
1071 which includes as a part of its name or title all or any part,  
1072 or abbreviations, of the name or title of the ~~financial~~  
1073 ~~institution~~ holding company of which it is a subsidiary; any

576-04572A-14

20141012c2

1074 trade organization or association, whether or not incorporated,  
1075 functioning for the purpose of promoting the interests of  
1076 financial institutions or ~~financial institution~~ holding  
1077 companies, the active members of which are financial  
1078 institutions or ~~financial institution~~ holding companies; and any  
1079 international development bank chartered pursuant to part II of  
1080 chapter 663.

1081 (3) ~~A No~~ person may not use the name, trademark, service  
1082 mark, trade name, Internet address, or logo of a any financial  
1083 institution or an affiliate or subsidiary thereof, or use a name  
1084 similar to that of a financial institution or an affiliate or  
1085 subsidiary thereof, to market or solicit business from a  
1086 customer or prospective customer of such institution if:

1087 (a) The solicitation is done without the written consent of  
1088 the financial institution or its affiliate or subsidiary; and

1089 (b) A reasonable person would believe that the materials  
1090 originated from, are endorsed by, or are connected with the  
1091 financial institution or its affiliates or subsidiaries.

1092 (4) A financial institution, affiliate, subsidiary, or  
1093 service corporation may not do business, solicit, or advertise  
1094 in this state using a name, trademark, service mark, trade name,  
1095 Internet address, or logo that may mislead consumers or cause  
1096 confusion as to the identification of the proper legal business  
1097 entity or the nature of the financial institution's business.

1098 ~~(5)-(4)~~ Any court, in a proceeding brought by the office, by  
1099 a any financial institution the principal place of business of  
1100 which is in this state, or by any other person residing, ~~or~~  
1101 whose principal place of business is ~~located,~~ in this state and  
1102 whose interests are substantially affected thereby, may enjoin

576-04572A-14

20141012c2

1103 any person from violating any provision ~~of the provisions~~ of  
1104 this section. Except for a financial institution duly chartered  
1105 by the office, the office may also seek an order from the  
1106 circuit court for the annulment or dissolution of a corporation  
1107 or any other business entity found violating any provision of  
1108 this section. For the purposes of this subsection, the interests  
1109 of a trade organization or association are deemed to be  
1110 substantially affected if the interests of ~~any of~~ its members  
1111 are so affected. ~~In addition,~~ The office may also issue and  
1112 serve upon any person who violates any provision ~~of the~~  
1113 ~~provisions~~ of this section an emergency cease and desist order  
1114 or a complaint seeking a cease and desist order in accordance  
1115 with the procedures and in the manner prescribed by s. 655.033.  
1116 The office is not required to make any finding or determination  
1117 that a violation of this section is likely to result in  
1118 insolvency, substantial dissipation of assets or earnings, or  
1119 substantial prejudice to any person in association with the  
1120 issuance of an emergency cease and desist order.

1121 ~~(6) (5) Nothing in This section does not shall be construed~~  
1122 ~~to prohibit the lawful establishment or operation the lawful~~  
1123 ~~operations of a financial institution, affiliate, subsidiary, or~~  
1124 ~~service corporation or and nothing in this code shall be~~  
1125 ~~construed to prohibit any advertisement or other activity in~~  
1126 ~~this state by any person if such prohibition would contravene~~  
1127 ~~any applicable federal law that which preempts the law of this~~  
1128 ~~state.~~

1129 Section 16. Subsection (4) of section 655.948, Florida  
1130 Statutes, is amended to read:

1131 655.948 Significant events; notice required.—

576-04572A-14

20141012c2

1132 (4)~~(a)~~ The office shall ~~must~~ exempt a financial institution  
1133 from any of the provisions of this section if the office  
1134 determines that such financial institution is operating in a  
1135 safe and sound manner pursuant to commission rules relating to  
1136 safe and sound operations. The commission shall adopt rules  
1137 defining the term "safe and sound" and explicitly stating the  
1138 criteria that ~~which shall~~ constitute operating in a safe and  
1139 sound manner. Notwithstanding this subsection:

1140 (a)~~(b)~~ ~~Notwithstanding paragraph (a),~~ All newly chartered  
1141 financial institutions are ~~shall be~~ subject to the requirements  
1142 of subsections (1) and (2) for 3 years.

1143 (b) All financial institutions must notify the office  
1144 within 30 days of any civil investigation or any civil or  
1145 administrative proceeding initiated by a county or municipality  
1146 against the financial institution or its subsidiary or service  
1147 corporation. No liability may be incurred by a financial  
1148 institution, subsidiary, service corporation, or financial  
1149 institution-affiliated party as a result of making a good faith  
1150 effort to fulfill this disclosure requirement.

1151 Section 17. Section 655.955, Florida Statutes, is created  
1152 to read:

1153 655.955 Liability of financial institution to third  
1154 parties.—A financial institution is not civilly liable to a  
1155 third party for the actions or operations of a person solely by  
1156 virtue of extending a loan or a line of credit to such person.

1157 Section 18. Section 657.008, Florida Statutes, is amended  
1158 to read:

1159 657.008 Place of doing business.—

1160 (1) A ~~Every~~ credit union authorized to transact business



576-04572A-14

20141012c2

1161 pursuant to the laws of this state shall have one principal  
1162 place of doing business as designated in its bylaws and where  
1163 legal process may be served. A credit union may change its place  
1164 of business through an amendment to its bylaws.

1165 (2) ~~(a)~~ Following ~~With~~ 30 days' prior written notification  
1166 to the office or within such other time as is approved by the  
1167 office, a credit union operating in a safe and sound manner may  
1168 maintain branches without requiring prior office examination and  
1169 approval at locations other than its main office or relocate  
1170 branches previously established if the maintenance of such  
1171 branches is determined by the board of directors to be  
1172 reasonably necessary to furnish service to its members.

1173 (a) A credit union that requires office examination and  
1174 approval before establishing or relocating a branch must submit  
1175 a written application in such form and supported by such  
1176 information, data, and records as the commission or office may  
1177 require to make all findings necessary for approval. Upon  
1178 receiving the application and a nonrefundable filing fee for the  
1179 establishment of the branch, the office shall consider the  
1180 following in determining whether to reject or approve the  
1181 application:

1182 1. The sufficiency of the net worth of the credit union in  
1183 relation to its deposit liabilities, including the proposed  
1184 branch, and the additional fixed assets, if any, which are  
1185 proposed for the branch and its operations without undue risk to  
1186 the credit union or its depositors;

1187 2. The sufficiency of earnings and earnings prospects of  
1188 the credit union necessary to support the anticipated expenses  
1189 and operating losses of the branch during its formative or

576-04572A-14

20141012c2

1190 initial years;

1191 3. The sufficiency and quality of management available to  
1192 operate the branch;

1193 4. The name of the proposed branch in order to determine if  
1194 it reasonably identifies the branch as a branch of the main  
1195 office and is not likely to unduly confuse the public; and

1196 5. The substantial compliance of the applicant with the  
1197 applicable law governing its operations.

1198 (b) If any branch is located outside this state, the cost  
1199 of examining such branch shall be borne by the credit union.  
1200 Such cost includes ~~shall include~~, but is ~~shall~~ not be limited  
1201 to, examiner travel expense and per diem.

1202 (3) A credit union may share office space with one or more  
1203 credit unions and contract with any person or corporation to  
1204 provide facilities or personnel.

1205 (4) A ~~Any~~ credit union organized under this state or  
1206 federal law, the members of which are presently, or were at the  
1207 time of admission into the credit union, employees of the state  
1208 or a political subdivision or municipality thereof, or members  
1209 of the immediate families of such employees, may apply for space  
1210 in any building owned or leased by the state or respective  
1211 political subdivision or municipality in the community or  
1212 district in which the credit union does business.

1213 (a) The application shall be addressed to the officer  
1214 charged with the allotment of space in such building. If space  
1215 is available, the officer may allot space to the credit union at  
1216 a reasonable charge for rent or services.

1217 (b) If the governing body having jurisdiction over the  
1218 building determines that the services rendered by the credit

576-04572A-14

20141012c2

1219 union to the employees of the governing body are equivalent to a  
1220 reasonable charge for rent or services, available space may be  
1221 allotted to the credit union without charge for rent or  
1222 services.

1223 (5) (a) The office may authorize foreign credit unions to  
1224 establish branches in this state ~~Florida~~ if all of the following  
1225 criteria are met:

1226 1. The state in which the foreign credit union's home  
1227 office is located permits Florida credit unions to do business  
1228 in the state under restrictions that are no greater than those  
1229 placed upon a domestic credit union doing business in that  
1230 state. For this purpose, such restrictions must ~~shall~~ include,  
1231 ~~but are not limited to,~~ any fees, bonds, or other charges levied  
1232 on domestic credit unions doing business in that state.

1233 2. The deposits of such foreign credit union and its  
1234 proposed Florida branch must ~~shall~~ have insurance of accounts  
1235 with the National Credit Union Administration.

1236 3. The credit union's field of membership is so limited as  
1237 to be within that meaning of that term as defined in s. 657.002.

1238 (b) Every foreign credit union operating in this state ~~must~~  
1239 ~~Florida~~ ~~shall~~ keep the office informed of every location at  
1240 which it is operating.

1241 (c) If the office has reason to believe that a foreign  
1242 credit union is operating a branch in this state in an unsafe  
1243 and unsound manner, it shall have the right to examine such  
1244 branch. If, upon examination, the office finds that such branch  
1245 is operating in an unsafe and unsound manner, it shall require  
1246 the branch office to make appropriate modifications to bring the  
1247 ~~such~~ branch operations into compliance with generally accepted

576-04572A-14

20141012c2

1248 credit union operation in this state. The ~~Such~~ foreign credit  
1249 union shall reimburse the office for the full cost of such ~~this~~  
1250 examination. Costs ~~shall~~ include examiner salaries, per diem,  
1251 and travel expenses.

1252 (d) Any foreign credit union operating in this state shall,  
1253 in any connection therewith, be subject to suit in the courts of  
1254 this state, ~~by this state and~~ by the residents ~~citizens~~ of this  
1255 state.

1256 (6) A credit union may provide, directly or through a  
1257 contract with another company, off-premises armored car services  
1258 to its members. Armored car services do not constitute a branch  
1259 for the purposes of this section.

1260 Section 19. Section 657.028, Florida Statutes, is amended  
1261 to read:

1262 657.028 Activities of directors, officers, committee  
1263 members, employees, and agents.—

1264 (1) An individual may not disburse funds of the credit  
1265 union for any extension of credit approved by her or him.

1266 (2) An elected officer, ~~or~~ director, or ~~any~~ committee  
1267 member, other than the chief executive officer, may not be  
1268 compensated for her or his service as such.

1269 (3) Except with the prior approval of the office, a person  
1270 may not serve as an officer, director, or committee member of a  
1271 credit union if she or he:

1272 (a) Has been convicted of a felony or of an offense  
1273 involving dishonesty, a breach of trust, a violation of this  
1274 chapter, or fraud, ~~except with the prior approval of the office;~~

1275 (b) Has been adjudicated bankrupt within the previous 7  
1276 years;

576-04572A-14

20141012c2

1277 (c) Has been removed by any regulatory agency as a  
1278 director, officer, committee member, or employee of a any  
1279 financial institution, ~~except with the prior approval of the~~  
1280 ~~office;~~

1281 (d) Has performed acts of fraud or dishonesty, or has  
1282 failed to perform duties, resulting in a loss that ~~which~~ was  
1283 subject to a paid claim under a fidelity bond, ~~except with the~~  
1284 ~~prior approval of the office; or~~

1285 (e) Has been found guilty of a violation of s. 655.50,  
1286 relating to the ~~Florida~~ control of money laundering and  
1287 terrorist financing in Financial Institutions Act; chapter 896,  
1288 relating to offenses related to financial transactions; or ~~any~~  
1289 similar state or federal law; or

1290 (f) Has defaulted on a debt or obligation to a financial  
1291 institution which resulted in a material loss to the financial  
1292 institution.

1293 (4) A person may not serve as a director of a credit union  
1294 if she or he is an employee of the credit union, other than the  
1295 chief executive officer of the credit union.

1296 (5) A director, officer, committee member, ~~officer~~, agent,  
1297 or employee of the credit union may not in any manner, directly  
1298 or indirectly, participate in the deliberation upon or the  
1299 determination of any question affecting her or his pecuniary  
1300 interest or the pecuniary interest of any corporation,  
1301 partnership, or association, other than the credit union, in  
1302 which she or he or a member of her or his immediate family is  
1303 directly or indirectly interested.

1304 (6) Within 30 days after election or appointment, a record  
1305 of the names and addresses of the members of the board, members

576-04572A-14

20141012c2

1306 of committees, ~~and~~ all officers of the credit union, and the  
1307 credit manager shall be filed with the office on forms  
1308 prescribed by the commission.

1309 Section 20. Section 657.041, Florida Statutes, is amended  
1310 to read:

1311 657.041 Insurance; employee benefit plans.—

1312 (1) A credit union may purchase for or make available to  
1313 its members credit life insurance, credit disability insurance,  
1314 life savings or depositors life insurance, or any other  
1315 insurance coverage which may be directly related to the  
1316 extension of credit or to the receipt of shares or deposits in  
1317 amounts related to the members' respective ages, shares,  
1318 deposits, or credit balances, or to any combination thereof.

1319 (2) A credit union may purchase and maintain insurance on  
1320 behalf of any person who is or was a director, officer,  
1321 employee, or agent of the credit union, or who is or was serving  
1322 at the request of the credit union as a director, officer,  
1323 employee, or agent of another corporation, partnership, joint  
1324 venture, trust, or other enterprise, against any liability  
1325 arising out of such person's capacity or status with the credit  
1326 union, whether or not the credit union would have the power to  
1327 indemnify such person against the asserted liability.

1328 (3) With the prior approval of members of a credit union  
1329 and the office, the credit union may pay the premiums for  
1330 reasonable health, accident, and related types of insurance  
1331 protection for members of the credit union's board of directors,  
1332 credit committee, supervisory committee, or other volunteer  
1333 committee established by the board. Any insurance protection  
1334 purchased must cease upon the insured person's leaving office

576-04572A-14

20141012c2

1335 without residual benefits other than from pending claims, if  
1336 any, except that the credit union must comply with federal and  
1337 state laws providing departing officials the right to maintain  
1338 health insurance coverage at their own expense. The office shall  
1339 consider the credit union's size and financial condition and the  
1340 duties of the board or other officials in its consideration of  
1341 the request for approval for insurance coverage and may withhold  
1342 approval if the request would create an unsafe or unsound  
1343 practice or condition for the credit union.

1344 (4) With the prior approval of the board of a credit union  
1345 and the office, the credit union may fund employee benefit  
1346 plans. The office shall consider the credit union's size and  
1347 financial condition and the duties of the employees and may  
1348 withhold approval if the request would create an unsafe or  
1349 unsound practice or condition for the credit union.

1350 Section 21. Subsection (20) of section 658.12, Florida  
1351 Statutes, is amended to read:

1352 658.12 Definitions.—Subject to other definitions contained  
1353 in the financial institutions codes and unless the context  
1354 otherwise requires:

1355 (20) "Trust business" means the business of acting as a  
1356 fiduciary when such business is conducted by a bank, a state or  
1357 federal association, or a trust company, or ~~and also~~ when  
1358 conducted by any other business organization for compensation  
1359 that the office does not consider to be de minimis as its sole  
1360 or principal business.

1361 Section 22. Subsection (4) of section 658.21, Florida  
1362 Statutes, is amended to read:

1363 658.21 Approval of application; findings required.—The

576-04572A-14

20141012c2

1364 office shall approve the application if it finds that:

1365 (4) The proposed officers have sufficient financial  
1366 institution experience, ability, standing, and reputation and  
1367 the proposed directors have sufficient business experience,  
1368 ability, standing, and reputation to indicate reasonable promise  
1369 of successful operation, and none of the proposed officers or  
1370 directors has been convicted of, or pled guilty or nolo  
1371 contendere to, any violation of s. 655.50, relating to the  
1372 ~~Florida~~ control of money laundering and terrorist financing ~~in~~  
1373 ~~Financial Institutions Act~~; chapter 896, relating to offenses  
1374 related to financial institutions; or ~~any~~ similar state or  
1375 federal law. At least two of the proposed directors who are not  
1376 also proposed officers must ~~shall~~ have had at least 1 year  
1377 direct experience as an executive officer, regulator, or  
1378 director of a financial institution within the 3 years before ~~of~~  
1379 the date of the application. However, if the applicant  
1380 demonstrates that at least one of the proposed directors has  
1381 very substantial experience as an executive officer, director,  
1382 or regulator of a financial institution more than 3 years before  
1383 the date of the application, the office may modify the  
1384 requirement and allow only one director to have direct financial  
1385 institution experience within the last 3 years. The proposed  
1386 president or chief executive officer must ~~shall~~ have had at  
1387 least 1 year of direct experience as an executive officer,  
1388 director, or regulator of a financial institution within the  
1389 last 3 years.

1390 Section 23. Subsection (2) of section 658.235, Florida  
1391 Statutes, is amended to read:

1392 658.235 Subscriptions for stock; approval of major



576-04572A-14

20141012c2

1393 shareholders.—

1394 (2) The directors shall also provide such detailed  
1395 financial, business, and biographical information as the  
1396 commission or office may reasonably require for each person who,  
1397 together with related interests, subscribes to 10 percent or  
1398 more of the voting stock or nonvoting stock that ~~which~~ is  
1399 convertible into voting stock of the proposed bank or trust  
1400 company. The office shall make an investigation of the  
1401 character, financial responsibility, and financial standing of  
1402 each such person in order to determine whether he or she is  
1403 likely to control the bank or trust company in a manner that  
1404 ~~which~~ would jeopardize the interests of the depositors and  
1405 creditors of the bank or trust company, the other stockholders,  
1406 or the general public. The ~~This~~ investigation must ~~shall~~ include  
1407 a determination of whether ~~any~~ such person has been convicted  
1408 of, or pled guilty or nolo contendere to, a violation of s.  
1409 655.50, relating to the ~~Florida~~ control of money laundering and  
1410 terrorist financing in Financial Institutions Act; chapter 896,  
1411 relating to offenses related to financial transactions; or ~~any~~  
1412 similar state or federal law.

1413 Section 24. Section 658.49, Florida Statutes, is repealed.

1414 Section 25. Subsection (1) of section 663.02, Florida  
1415 Statutes, is amended to read:

1416 663.02 Applicability of state banking laws.—

1417 (1) International banking corporations having offices in  
1418 this state are ~~shall be~~ subject to all the provisions of the  
1419 financial institutions codes and chapter 655 as though such  
1420 ~~international banking~~ corporations were state banks or trust  
1421 companies, except where it may appear, from the context or

576-04572A-14

20141012c2

1422 otherwise, that such provisions are clearly applicable only to  
1423 banks or trust companies organized under the laws of this state  
1424 or the United States. Without limiting the foregoing general  
1425 provisions, it is the intent of the Legislature that the  
1426 following provisions are applicable to such banks or trust  
1427 companies: s. 655.031, relating to administrative enforcement  
1428 guidelines; s. 655.032, relating to investigations, subpoenas,  
1429 hearings, and witnesses; s. 655.0321, relating to hearings,  
1430 proceedings, and related documents and restricted access  
1431 thereto; s. 655.033, relating to cease and desist orders; s.  
1432 655.037, relating to removal by the office of an officer,  
1433 director, committee member, employee, or other person; s.  
1434 655.041, relating to administrative fines and enforcement; s.  
1435 655.50, relating to the control of money laundering and  
1436 terrorist financing; ~~s. 658.49, relating to loans by banks not~~  
1437 ~~exceeding \$50,000;~~ and any ~~provision of~~ law for which the  
1438 penalty is increased under s. 775.31 for facilitating or  
1439 furthering terrorism. International banking corporations do  
1440 ~~shall~~ not have the powers conferred on domestic banks by ~~the~~  
1441 ~~provisions of~~ s. 658.60, relating to deposits of public funds.  
1442 ~~The provisions of~~ Chapter 687, relating to interest and usury,  
1443 applies shall apply to all bank loans ~~not subject to s. 658.49.~~

1444 Section 26. Subsection (1) of section 663.09, Florida  
1445 Statutes, is amended to read:

1446 663.09 Reports; records.—

1447 (1) An ~~Every~~ international banking corporation doing  
1448 business in this state shall, at such times and in such form as  
1449 the commission prescribes, make written reports in the English  
1450 language to the office, under the oath of one of its officers,

576-04572A-14

20141012c2

1451 managers, or agents transacting business in this state, showing  
1452 the amount of its assets and liabilities and containing such  
1453 other matters as the commission or office requires. An  
1454 international banking corporation that maintains two or more  
1455 offices may consolidate such information in one report unless  
1456 the office otherwise requires for purposes of its supervision of  
1457 the condition and operations of each such office. The late  
1458 filing of such reports is ~~shall be~~ subject to an ~~the imposition~~  
1459 ~~of the~~ administrative fine as prescribed under ~~by~~ s.  
1460 655.045(2) ~~(b)~~. If ~~any~~ such international banking corporation  
1461 fails ~~shall fail~~ to make ~~any~~ such report, as directed by the  
1462 office, or if ~~any~~ such report contains a ~~shall contain any~~ false  
1463 statement knowingly made, the same shall be grounds for  
1464 revocation of the license of the international banking  
1465 corporation.

1466 Section 27. Subsection (2) of section 663.12, Florida  
1467 Statutes, is amended to read:

1468 663.12 Fees; assessments; fines.—

1469 (2) Each international bank agency, international branch,  
1470 and state-chartered investment company shall pay to the office a  
1471 ~~semiannual assessment, payable~~ on or before January 31 and July  
1472 31 of each year, a semiannual assessment in an amount determined  
1473 ~~by rule~~ by the commission by rule and calculated ~~in a manner so~~  
1474 ~~as~~ to recover the costs of the office incurred in connection  
1475 with the supervision of international banking activities  
1476 licensed under this part. ~~The~~ These rules must ~~shall~~ provide ~~for~~  
1477 uniform rates of assessment for all licenses of the same type  
1478 and, ~~shall~~ provide for declining rates of assessment in relation  
1479 to the total assets of the licensee held in the state, but may

576-04572A-14

20141012c2

1480 shall not result, in any event, provide for rates of assessment  
1481 which exceed the rate applicable to state banks pursuant to s.  
1482 658.73, unless the rate ~~of assessment~~ would result in a  
1483 semiannual assessment of less than \$1,000. For the purposes of  
1484 this subsection, the total assets of an international bank  
1485 agency, international branch, or state-chartered investment  
1486 company must ~~shall~~ include amounts due the agency or branch or  
1487 state investment company from other offices, branches, or  
1488 subsidiaries of the international banking corporations or other  
1489 corporations of which the agency, branch, or state-chartered  
1490 investment company is a part or from entities related to that  
1491 international banking corporation. ~~Each international~~  
1492 ~~representative office, international administrative office, or~~  
1493 ~~international trust company representative office shall pay to~~  
1494 ~~the office an annual assessment in the amount of \$2,000, payable~~  
1495 ~~on or before January 31 of each year.~~

1496 Section 28. Subsection (3) of section 663.306, Florida  
1497 Statutes, is amended to read:

1498 663.306 Decision by office.—The office may, in its  
1499 discretion, approve or disapprove the application, but it shall  
1500 not approve the application unless it finds that:

1501 (3) The proposed officers and directors have sufficient  
1502 experience, ability, standing, and reputation to indicate  
1503 reasonable promise of successful operation and none of the  
1504 proposed officers or directors have been convicted of, or pled  
1505 guilty or nolo contendere to, a violation of s. 655.50, relating  
1506 to the ~~Florida~~ control of money laundering and terrorist  
1507 financing in Financial Institutions Act; chapter 896, relating  
1508 to offenses related to financial transactions; or ~~any~~ similar

576-04572A-14

20141012c2

1509 state or federal law.

1510 Section 29. Subsection (28) of section 665.013, Florida  
1511 Statutes, is amended to read:

1512 665.013 Applicability of chapter 658.—The following  
1513 sections of chapter 658, relating to banks and trust companies,  
1514 are applicable to an association to the same extent as if the  
1515 association were a "bank" operating thereunder:

1516 ~~(28) Section 658.49, relating to loans by banks not~~  
1517 ~~exceeding \$50,000.~~

1518 Section 30. Paragraph (c) of subsection (1) of section  
1519 665.033, Florida Statutes, is amended to read:

1520 665.033 Conversion of state or federal mutual association  
1521 to capital stock association.—

1522 (1) CONVERSION INTO CAPITAL STOCK ASSOCIATION.—Any state or  
1523 federal mutual association may apply to the office for  
1524 permission to convert itself into an association operated under  
1525 the provisions of this chapter in accordance with the following  
1526 procedures:

1527 (c) The office may approve or disapprove the plan ~~in its~~  
1528 ~~discretion~~, but may ~~it shall~~ not approve the plan unless it  
1529 finds that the association will comply sufficiently with the  
1530 requirements of the financial institutions codes after  
1531 conversion to entitle it to become an association operating  
1532 under the financial institutions codes and the rules of the  
1533 commission. The office may deny an ~~any~~ application from any  
1534 federal association that is subject to a ~~any~~ cease and desist  
1535 order or other supervisory restriction or order imposed by any  
1536 state or the federal supervisory authority, or insurer, or  
1537 guarantor or that has been convicted of, or pled guilty or nolo

576-04572A-14

20141012c2

1538 contendere to, a violation of s. 655.50, relating to the ~~Florida~~  
1539 control of money laundering and terrorist financing in Financial  
1540 ~~Institutions Act~~; chapter 896, relating to offenses related to  
1541 financial transactions; or ~~any~~ similar state or federal law.

1542 Section 31. Paragraph (a) of subsection (2) of section  
1543 665.034, Florida Statutes, is amended to read:

1544 665.034 Acquisition of assets of or control over an  
1545 association.—

1546 (2) The office shall issue the certificate of approval only  
1547 after it has made an investigation and determined that:

1548 (a) The proposed new owner or owners of voting capital  
1549 stock are qualified by character, experience, and financial  
1550 responsibility to control the association in a legal and proper  
1551 manner and none of the proposed new owners have been convicted  
1552 of, or pled guilty or nolo contendere to, a violation of s.  
1553 655.50, relating to the ~~Florida~~ control of money laundering and  
1554 terrorist financing in Financial Institutions Act; chapter 896,  
1555 relating to offenses related to financial transactions; or ~~any~~  
1556 similar state or federal law.

1557 Section 32. Subsection (29) of section 667.003, Florida  
1558 Statutes, is amended to read:

1559 667.003 Applicability of chapter 658.—Any state savings  
1560 bank is subject to all the provisions, and entitled to all the  
1561 privileges, of the financial institutions codes except where it  
1562 appears, from the context or otherwise, that such provisions  
1563 clearly apply only to banks or trust companies organized under  
1564 the laws of this state or the United States. Without limiting  
1565 the foregoing general provisions, it is the intent of the  
1566 Legislature that the following provisions apply to a savings

576-04572A-14

20141012c2

1567 bank to the same extent as if the savings bank were a "bank"  
1568 operating under such provisions:

1569 ~~(29) Section 658.49, relating to loans by banks not~~  
1570 ~~exceeding \$50,000.~~

1571 Section 33. Paragraph (c) of subsection (1) of section  
1572 667.006, Florida Statutes, is amended to read:

1573 667.006 Conversion of state or federal mutual savings bank  
1574 or state or federal mutual association to capital stock savings  
1575 bank.—

1576 (1) CONVERSION INTO CAPITAL STOCK SAVINGS BANK.—Any state  
1577 or federal mutual savings bank or state or federal mutual  
1578 association may apply to the office for permission to convert  
1579 itself into a capital stock savings bank operated under the  
1580 provisions of this chapter in accordance with the following  
1581 procedures:

1582 (c) The office may approve or disapprove the plan ~~in its~~  
1583 ~~discretion~~, but may ~~it shall~~ not approve the plan unless it  
1584 finds that the savings bank will comply sufficiently with the  
1585 requirements of the financial institutions codes after  
1586 conversion to entitle it to become a savings bank operating  
1587 under the financial institutions codes and the rules of the  
1588 commission. The office may deny any application from a ~~any~~  
1589 federal savings bank that is subject to a ~~any~~ cease and desist  
1590 order or other supervisory restriction or order imposed by any  
1591 state or the federal supervisory authority, or insurer, or  
1592 guarantor or that has been convicted of, or pled guilty or nolo  
1593 contendere to, a violation of s. 655.50, relating to the ~~Florida~~  
1594 ~~control of money laundering and terrorist financing in Financial~~  
1595 ~~Institutions Act~~; chapter 896, relating to offenses related to

576-04572A-14

20141012c2

1596 financial transactions; or ~~any~~ similar state or federal law.

1597 Section 34. Paragraph (a) of subsection (2) of section  
1598 667.008, Florida Statutes, is amended to read:

1599 667.008 Acquisition of assets of or control over a savings  
1600 bank.—

1601 (2) The office shall issue the certificate of approval only  
1602 after it has made an investigation and determined that:

1603 (a) The proposed new owner or owners of voting capital  
1604 stock are qualified by character, experience, and financial  
1605 responsibility to control the savings bank in a legal and proper  
1606 manner and none of the proposed new owners have been convicted  
1607 of, or pled guilty or nolo contendere to, a violation of s.  
1608 655.50, relating to the ~~Florida~~ control of money laundering and  
1609 terrorist financing in Financial Institutions Act; chapter 896,  
1610 relating to offenses related to financial transactions; or ~~any~~  
1611 similar state or federal law.

1612 Section 35. This act shall take effect July 1, 2014.

1613