

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

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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

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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

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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.;

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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, controls, or has the power to vote 25 percent or~~

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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

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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

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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

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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

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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

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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~~

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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

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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

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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:

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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

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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~~

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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

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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

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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

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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.

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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

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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

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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

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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,

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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

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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.-~~

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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,

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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

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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,

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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

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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

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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,

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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~~

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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.

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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~~

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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

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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

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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

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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

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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.—

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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

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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

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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

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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

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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;

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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

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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

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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

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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

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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

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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,

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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

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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

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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

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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

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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

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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