

Bill No. CS for SB 2960

Amendment No. \_\_\_\_ Barcode 094084

CHAMBER ACTION

Senate

House

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Senator Alexander moved the following amendment:

**Senate Amendment (with title amendment)**

On page 16, line 5, through  
page 29, line 27,

insert:

Section 12. Section 655.935, Florida Statutes, is  
amended to read:

655.935 Search procedure on death of lessee.--If  
satisfactory proof of the death of the lessee is presented, a  
lessor shall permit the person named in a court order for the  
purpose, or if no order has been served upon the lessor, the  
spouse, a parent, an adult descendant, or a person named as a  
personal representative in a copy of a purported will produced  
by such person, to open and examine the contents of a  
safe-deposit box leased by a decedent, or any documents  
delivered by a decedent for safekeeping, in the presence of an  
officer of the lessor; and the lessor, if so requested by such  
person, shall deliver:

(1) Any writing purporting to be a will of the

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1 decedent, to the court having probate jurisdiction in the  
2 county in which the financial institution is located;

3 (2) Any writing purporting to be a deed to a burial  
4 plot or to give burial instructions, to the person making the  
5 request for a search; and

6 (3) Any document purporting to be an insurance policy  
7 on the life of the decedent, to the beneficiary named therein.

8  
9 No other contents may be removed pursuant to this section and  
10 access granted pursuant to this section shall not be  
11 considered the initial opening of the safe-deposit box by a  
12 resident personal representative under s. 733.6065.

13 Section 13. Subsections (1) and (2) of section  
14 655.936, Florida Statutes, are amended to read:

15 655.936 Delivery of safe-deposit box contents or  
16 property held in safekeeping to personal representative.--

17 (1) Subject to the provisions of subsection (3), the  
18 lessor shall immediately deliver to a ~~resident~~ personal  
19 representative appointed by a court in this state, upon  
20 presentation of a certified copy of his or her letters of  
21 authority, all property deposited with it by the decedent for  
22 safekeeping, and shall grant the ~~resident~~ personal  
23 representative access to any safe-deposit box in the  
24 decedent's name and permit him or her to remove from such box  
25 any part or all of the contents thereof.

26 (2) If a ~~foreign~~ personal representative of a deceased  
27 lessee has been appointed by a court of any other state, a  
28 lessor may, at its discretion, after 3 months from the  
29 issuance to such ~~foreign~~ personal representative of his or her  
30 letters of authority, deliver to such ~~foreign~~ personal  
31 representative all properties deposited with it for

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1 safekeeping and the contents of any safe-deposit box in the  
 2 name of the decedent if at such time the lessor has not  
 3 received written notice of the appointment of a personal  
 4 representative in this state, and such delivery is a valid  
 5 discharge of the lessor for all property or contents so  
 6 delivered. ~~A Such foreign~~ personal representative appointed by  
 7 a court of any other state shall furnish the lessor with an  
 8 affidavit setting forth facts showing the domicile of the  
 9 deceased lessee to be other than this state and stating that  
 10 there are no unpaid creditors of the deceased lessee in this  
 11 state, together with a certified copy of his or her letters of  
 12 authority. A lessor making delivery pursuant to this  
 13 subsection shall maintain in its files a receipt executed by  
 14 such ~~foreign~~ personal representative which itemizes in detail  
 15 all property so delivered.

16 Section 14. Subsection (1) of section 655.937, Florida  
 17 Statutes, is amended, and subsection (3) is added to that  
 18 section, to read:

19 655.937 Access to safe-deposit boxes leased in two or  
 20 more names.--

21 (1) When specifically provided in the lease or rental  
 22 agreement covering a safe-deposit box heretofore or hereafter  
 23 rented or leased in the names of two or more lessees that  
 24 access to the safe-deposit box will be granted to either  
 25 lessee, or to either or the survivor, access to the  
 26 safe-deposit box shall be granted to:

27 (a) To either or any of such lessees, regardless of  
 28 whether or not the other lessee or lessees or any of them are  
 29 living or competent; or

30 (b) Subject to ss. 655.933, 655.935, and 733.6065, to  
 31 the personal representative of the estate of either or any of

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1 such lessees who is deceased, or the guardian of the property  
 2 of either or any of such lessees who is incapacitated; and, in  
 3 either such case, ~~the provisions of s. 655.933 apply, and the~~  
 4 signature on the safe-deposit entry or access record (or the  
 5 receipt or acquittance, in the case of property or documents  
 6 otherwise held for safekeeping) is a valid and sufficient  
 7 release and discharge to the lessor for granting access to  
 8 such safe-deposit box or for the delivery of such property or  
 9 documents otherwise held for safekeeping.

10 (3) The right of access by a co-lessee of a  
 11 safe-deposit box:

12 (a) Is separate from the rights and responsibilities  
 13 of other persons who may be granted access to that  
 14 safe-deposit box after the death or incapacity of another  
 15 co-lessee of that safe-deposit box; and

16 (b) Is not subject to s. 655.935, s. 733.6065, or  
 17 other requirements imposed on personal representatives,  
 18 guardians, or other fiduciaries of another co-lessee of that  
 19 safe-deposit box.

20 Section 15. Subsection (1) of section 655.94, Florida  
 21 Statutes, is amended to read:

22 655.94 Special remedies for nonpayment of rent.--

23 (1) If the rental due on a safe-deposit box has not  
 24 been paid for 3 months, the lessor may send a notice by  
 25 certified ~~registered~~ mail to the last known address of the  
 26 lessee stating that the safe-deposit box will be opened and  
 27 its contents stored at the expense of the lessee unless  
 28 payment of the rental is made within 30 days. If the rental  
 29 is not paid within 30 days from the mailing of the notice, the  
 30 box may be opened in the presence of an officer of the lessor  
 31 and of a notary public ~~who is not a director, officer,~~

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1 ~~employee, or stockholder of the lessor.~~ The contents shall be  
2 sealed in a package by a notary public who shall write on the  
3 outside the name of the lessee and the date of the opening.  
4 The notary public shall execute a certificate reciting the  
5 name of the lessee, the date of the opening of the box, and a  
6 list of its contents. The certificate shall be included in  
7 the package, and a copy of the certificate shall be sent by  
8 certified ~~registered~~ mail to the last known address of the  
9 lessee. The package shall then be placed in the general  
10 vaults of the lessor at a rental not exceeding the rental  
11 previously charged for the box. The lessor has a lien on the  
12 package and its contents to the extent of any rental due and  
13 owing plus the actual, reasonable costs of removing the  
14 contents from the safe-deposit box.

15 Section 16. Section 658.16, Florida Statutes, is  
16 amended to read:

17 658.16 Creation of banking or trust corporation.--

18 (1) When authorized by the office, as provided herein,  
19 a corporation may be formed under the laws of this state for  
20 the purpose of becoming a state bank or a state trust company  
21 and conducting a general banking or trust business.

22 (2) A bank or trust company that is chartered as a  
23 limited liability company under the law of any state is deemed  
24 to be incorporated under the financial institutions codes if:

25 (a) The institution is not subject to automatic  
26 termination, dissolution, or suspension upon the occurrence of  
27 an event including the death, disability, bankruptcy,  
28 expulsion, or withdrawal of an owner of the institution, other  
29 than the passage of time;

30 (b) The exclusive authority to manage the institution  
31 is vested in a board of managers or directors that is elected

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1 or appointed by the owners which operates in substantially the  
2 same manner as, and has substantially the same rights, powers,  
3 privileges, duties, and responsibilities, as a board of  
4 directors of a bank or trust company chartered as a  
5 corporation; and

6 (c) Neither the laws of the state of the institution's  
7 organization nor the institution's operating agreement,  
8 bylaws, or other organizational documents:

9 1. Provide that an owner of the institution is liable  
10 for the debts, liabilities, or obligations of the institution  
11 in excess of the amount of the owner's investment; or

12 2. Require the consent of any other owner of the  
13 institution in order for an owner to transfer an ownership  
14 interest in the institution, including voting rights.

15 (3) As used in the financial institutions codes, the  
16 term:

17 (a) "Stockholder" or "shareholder" includes an owner  
18 of any interest in a bank or trust company chartered as a  
19 limited liability company, including a member or participant;

20 (b) "Director" includes a manager or director of a  
21 bank or trust company chartered as a limited liability  
22 company, or other person who has, with respect to such a bank  
23 or trust company, authority substantially similar to that of a  
24 director of a corporation;

25 (c) "Officer" includes an officer of a bank or trust  
26 company chartered as a limited liability company, or other  
27 person who has, with respect to such a bank or trust company,  
28 authority substantially similar to that of an officer of a  
29 corporation;

30 (d) "Stock," "voting stock," "voting shares," and  
31 "voting securities" includes similar ownership interests in a

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1 bank or trust company chartered as a limited liability  
2 company, including certificates or other evidence of ownership  
3 interests;

4 (e) "Articles of incorporation" or "bylaws" of a bank  
5 or trust company chartered as a limited liability company  
6 means the institution's articles of organization and operating  
7 agreement or other organizational documentation that is  
8 substantially similar to that of a corporation;

9 (f) "Par value" of any ownership interest in a bank or  
10 trust company chartered as a limited liability company means  
11 the amount of capital which must be invested for each unit of  
12 ownership; and

13 (g) "Dividend" includes distributions of earnings to  
14 the owners of a bank or trust company chartered as a limited  
15 liability company.

16 Section 17. Subsection (5) of section 658.23, Florida  
17 Statutes, is amended to read:

18 658.23 Submission of articles of incorporation;  
19 contents; form; approval; filing; commencement of corporate  
20 existence; bylaws.--

21 (5) Unless the articles of incorporation provide  
22 otherwise, the board of directors shall have authority to  
23 adopt or amend bylaws that do not conflict with bylaws that  
24 may have been adopted by the stockholders. The bylaws shall  
25 be for the governance ~~government~~ of the bank or trust company,  
26 subordinate only to the articles of incorporation and the laws  
27 of the United States and of this state. ~~A current copy of the~~  
28 ~~bylaws shall be filed with the office at all times.~~

29 Section 18. Section 658.26, Florida Statutes, is  
30 amended to read:

31 658.26 Places of transacting business; branches;

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1 facilities.--

2 (1) Any bank or trust company heretofore or hereafter  
3 incorporated pursuant to this chapter shall have one main  
4 office, which shall be located within the state.

5 (2)(a) In addition, with the approval of the office  
6 and upon such conditions as the commission or office  
7 prescribes, any state bank or trust company may establish  
8 branches or relocate offices within or outside the state. With  
9 the approval of the office upon a determination that the  
10 resulting bank or trust company will be of sound financial  
11 condition, any bank or trust company incorporated pursuant to  
12 this chapter may establish branches by merger with any other  
13 bank or trust company.

14 (b) As provided by commission rules, a financial  
15 institution operating in a safe and sound manner may establish  
16 or relocate an office by filing a written notice with the  
17 office at least 30 days before opening or relocating that  
18 office, without filing an application or paying an application  
19 fee. The notification must specify the name and location of  
20 the office and effective date of the change. The relocation of  
21 a main office to a location outside this state must be by  
22 application only.

23 (c) Applications filed pursuant to this subsection  
24 need not be published in the Florida Administrative Weekly,  
25 but shall otherwise be subject to chapter 120.

26 (d)(b) An application to establish for a branch by a  
27 bank that is ineligible does not meet the requirements for the  
28 branch notification ~~process~~ shall be in writing in such form  
29 as the commission prescribes and be supported by such  
30 information, data, and records as the commission or office may  
31 require to make findings necessary for approval. ~~Applications~~



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1 ~~filed pursuant to this subsection shall not be published in~~  
2 ~~the Florida Administrative Weekly but shall otherwise be~~  
3 ~~subject to the provisions of chapter 120.~~ Upon the filing of  
4 an application and a nonrefundable filing fee for the  
5 establishment of any branch permitted by paragraph (a), the  
6 office shall ~~make an investigation with respect to compliance~~  
7 ~~with the requirements of paragraph (a) and shall~~ investigate  
8 and consider ~~all factors relevant to such requirements,~~  
9 ~~including~~ the following:

10           1. The sufficiency of capital accounts in relation to  
11 the deposit liabilities of the bank, or in relation to the  
12 number and valuation of fiduciary accounts of the trust  
13 company, including the proposed branch, and the additional  
14 fixed assets, if any, which are proposed for the branch and  
15 its operations, without undue risk to the bank or its  
16 depositors, or undue risk to the trust company or its  
17 fiduciary accounts;

18           2. The sufficiency of earnings and earning prospects  
19 of the bank or trust company to support the anticipated  
20 expenses and any anticipated operating losses of the branch  
21 during its formative or initial years;

22           3. The sufficiency and quality of management available  
23 to operate the branch;

24           4. The name of the proposed branch to determine if it  
25 reasonably identifies the branch as a branch of the main  
26 office and is not likely to unduly confuse the public; and

27           5. Substantial compliance by the applicants with  
28 applicable law governing their operations.

29           ~~(e)(c)~~ A state bank that is not eligible for  
30 notification of a branch relocation must file an application  
31 in the form required by the commission. Upon the filing of a

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1 relocation application and a nonrefundable filing fee, the  
2 office shall investigate to determine whether the financial  
3 institution has substantially complied with applicable law  
4 governing its operations. Additional investments in land,  
5 buildings, leases, and leasehold improvements resulting from  
6 such relocation must comply with the limitations imposed by s.  
7 658.67(7)(a). A main office may not be moved outside this  
8 state unless the move is expressly authorized by the financial  
9 institutions codes or by federal law. A financial institution  
10 that has been in operation for less than 24 months must  
11 provide evidence that the criteria of s. 658.21(1) will be  
12 met. As provided by commission rule, a financial institution  
13 operating in a safe and sound manner may establish a branch by  
14 filing a written notice with the office at least 30 days  
15 before opening that branch. In such case, the financial  
16 institution need not file a branch application or pay a branch  
17 application fee.

18 ~~(3)(a) An office in this state may be relocated with~~  
19 ~~prior written approval of the office. An application for~~  
20 ~~relocation shall be in writing in such form as the commission~~  
21 ~~prescribes and shall be supported by such information, data,~~  
22 ~~and records as the commission or office may require to make~~  
23 ~~findings necessary for approval.~~

24 ~~(b) Applications filed pursuant to this subsection~~  
25 ~~shall not be published in the Florida Administrative Weekly~~  
26 ~~but shall otherwise be subject to the provisions of chapter~~  
27 ~~120. Upon the filing of a relocation application and a~~  
28 ~~nonrefundable filing fee, the office shall investigate to~~  
29 ~~determine substantial compliance by the financial institution~~  
30 ~~with applicable law governing its operations. Additional~~  
31 ~~investments in land, buildings, leases, and leasehold~~

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1 ~~improvements resulting from such relocation shall comply with~~  
2 ~~the limitations imposed by s. 658.67(7)(a). A main office may~~  
3 ~~not be moved outside this state unless expressly authorized by~~  
4 ~~the financial institutions codes or by federal law.~~

5 ~~(c) A relocation application filed by a state bank or~~  
6 ~~trust company that is operating in a safe and sound manner~~  
7 ~~which is not denied within 10 working days after receipt shall~~  
8 ~~be deemed approved unless the office notifies the financial~~  
9 ~~institution in writing that the application was not complete.~~

10 ~~(d) In addition to the application required by~~  
11 ~~paragraph (a), a financial institution whose main office in~~  
12 ~~this state has been in operation less than 24 months must~~  
13 ~~provide evidence that the criteria of s. 658.21(1) will be~~  
14 ~~met.~~

15 ~~(f)(e)~~ A branch office may be closed with 30 days'  
16 prior written notice to the office. The notice shall include  
17 any information the commission prescribes by rule.

18 ~~(3)(4)~~ With prior written notification to the office,  
19 any bank may operate facilities which are not physically  
20 connected to the main or branch office of the bank, provided  
21 that the facilities are situated on the property of the main  
22 or branch office or property contiguous thereto. Property  
23 which is separated from the main or branch office of a bank by  
24 only a street, and one or more walkways and alleyways are  
25 determined to be, for purposes of this subsection, contiguous  
26 to the property of the main or branch office.

27 ~~(4)(5)~~ A bank may provide, directly or through a  
28 contract with another company, off-premises armored car  
29 service to its customers. Armored car services shall not be  
30 considered a branch for the purposes of subsection (2).

31 ~~(5)(6)(a)~~ Any state bank that is a subsidiary of a

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1 bank holding company may agree to receive deposits, renew time  
2 deposits, close loans, service loans, and receive payments on  
3 loans and other obligations, as an agent for an affiliated  
4 depository institution.

5 (b) The term "close loan" does not include the making  
6 of a decision to extend credit or the extension of credit.

7 (c) As used in this section, "receive deposits" means  
8 the taking of deposits to be credited to an existing account  
9 and does not include the opening or origination of new deposit  
10 accounts at an affiliated institution by the agent  
11 institution.

12 (d) Under this section, affiliated banks may act as  
13 agents for one another regardless of whether the institutions  
14 are located in the same or different states. This section  
15 applies solely to affiliated depository institutions acting as  
16 agents, and has no application to agency relationships  
17 concerning nondepositories as agent, whether or not affiliated  
18 with the depository institution.

19 (e) In addition, under this section, agent banks may  
20 perform ministerial functions for the principal bank making a  
21 loan. Ministerial functions include, but are not limited to,  
22 such activities as providing loan applications, assembling  
23 documents, providing a location for returning documents  
24 necessary for making the loan, providing loan account  
25 information, and receiving payments. It does not include such  
26 loan functions as evaluating applications or disbursing loan  
27 funds.

28 Section 19. Subsection (5) of section 658.33, Florida  
29 Statutes, is amended to read:

30 658.33 Directors, number, qualifications; officers.--

31 (5) The president, ~~or~~ chief executive officer, or any

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1 other person, regardless of title, who has equivalent rank or  
2 leads the overall operations of a bank or trust company must  
3 have had at least 1 year of direct experience as an executive  
4 officer, director, or regulator of a financial institution  
5 within the last 3 years. This requirement may be waived by the  
6 office after considering the overall experience and expertise  
7 of the proposed officer and the condition of the bank or trust  
8 company, as reflected in the most recent regulatory  
9 examination report and other available data.

10 Section 20. Section 658.37, Florida Statutes, is  
11 amended to read:

12 658.37 Dividends and surplus.--

13 (1) The directors of any bank or trust company, after  
14 charging off bad debts, depreciation, and other worthless  
15 assets if any, and making provision for reasonably anticipated  
16 future losses on loans and other assets, may quarterly,  
17 semiannually, or annually declare a dividend of so much of the  
18 aggregate of the net profits of that period combined with its  
19 retained net profits of the preceding 2 years as they shall  
20 judge expedient, and, with the approval of the office, any  
21 bank or trust company may declare a dividend from retained net  
22 profits which accrued prior to the preceding 2 years, but each  
23 bank or trust company shall, before the declaration of a  
24 dividend on its common stock, carry 20 percent of its net  
25 profits for such preceding period as is covered by the  
26 dividend to its surplus fund, until the same shall at least  
27 equal the amount of its common and preferred stock then issued  
28 and outstanding. No bank or trust company shall declare any  
29 dividend at any time at which its net income from the current  
30 year combined with the retained net income from the preceding  
31 2 years is a loss or which would cause the capital accounts of

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1 the bank or trust company to fall below the minimum amount  
 2 required by law, regulation, order, or any written agreement  
 3 with the office or a state or federal regulatory agency. A  
 4 bank or trust company may, however, split up or divide the  
 5 issued shares of capital stock into a greater number of shares  
 6 without increasing or decreasing the capital accounts of the  
 7 bank or trust company, and such shall not be construed to be a  
 8 dividend within the meaning of this section.

9 (2) A bank that has been determined to be imminently  
 10 insolvent may not pay a dividend.

11 Section 21. Present subsection (10) of section 658.48,  
 12 Florida Statutes, is redesignated as subsection (11), and a  
 13 new subsection (10) is added to that section, to read:

14 658.48 Loans.--A state bank may make loans and  
 15 extensions of credit, with or without security, subject to the  
 16 following limitations and provisions:

17 (10) IMMEDIATELY INSOLVENT BANK.--When the office has  
 18 determined that a state bank is imminently insolvent, the bank  
 19 may not make any new loans or discounts other than by  
 20 discounting or purchasing bills of exchange payable at sight.

21 Section 22. Paragraph (a) of subsection (9) of section  
 22 658.67, Florida Statutes, is amended to read:

23 658.67 Investment powers and limitations.--A bank may  
 24 invest its funds, and a trust company may invest its corporate  
 25 funds, subject to the following definitions, restrictions, and  
 26 limitations:

27 (9) ACQUISITIONS OF PROPERTY AS SECURITY.--A bank or  
 28 trust company may acquire property of any kind to secure,  
 29 protect, or satisfy a loan or investment previously made in  
 30 good faith, and such property shall be entered on the books of  
 31 the bank or trust company and held and disposed of subject to

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1 the following conditions and limitations:

2 (a) The book entry shall be the lesser of the balance  
3 of the loan or investment plus acquisition costs and accrued  
4 interest or the appraisal value or market value of the  
5 property acquired which shall be determined and dated within 1  
6 year prior to or 90 days after the date of acquisition and in  
7 compliance with s. 655.60.

8 Section 23. Subsection (4) of section 658.73, Florida  
9 Statutes, is amended to read:

10 658.73 Fees and assessments.--

11 (4) Any individual or entity other than a financial  
12 institution chartered in this state must ~~Each state bank and~~  
13 ~~state trust company shall~~ pay to the office \$25 for each  
14 "certificate of good standing" certifying that a  
15 state-chartered financial institution is licensed to conduct  
16 business in this state under the financial institutions codes.  
17 All such requests shall be in writing. The office shall waive  
18 this fee when the request is by a state or federal regulatory  
19 agency or law enforcement agency.

20 Section 24. Subsections (4) and (7) of section 663.16,  
21 Florida Statutes, are amended to read:

22 663.16 Definitions; ss. 663.17-663.181.--As used in  
23 ss. 663.17-663.181, the term:

24 (4) Except where the context otherwise requires,  
25 "international banking corporation" or "corporation" means any  
26 international bank agency or branch operating in this state.

27 (7) "Control" means any person or group of persons  
28 acting in concert, directly or indirectly, owning,  
29 controlling, or holding the power to vote 25 more than 50  
30 percent or more of the voting stock of a company, or having  
31 the ability in any manner to elect a majority of directors of

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1 a corporation, or otherwise exercising a controlling influence  
2 over the management and policies of a corporation as  
3 determined by the office.

4 Section 25. Subsection (1) of section 663.304, Florida  
5 Statutes, is amended to read:

6 663.304 Application for authority to organize an  
7 international development bank.--

8 (1) A written application for authority to organize an  
9 international development bank shall be filed with the office  
10 by the proposed incorporator and shall include:

11 (a) The name, residence, and occupation of each  
12 incorporator and proposed director.

13 ~~(b) The proposed corporate name and evidence of~~  
14 ~~reservation of the proposed corporate name with the Department~~  
15 ~~of State.~~

16 ~~(b)(c)~~ The total initial capital and the number of  
17 shares of capital stock to be authorized.

18 ~~(c)(d)~~ The location, by street and post-office address  
19 and county, of the principal office of the proposed  
20 international development bank.

21 ~~(d)(e)~~ If known, the name and residence of the  
22 proposed president and the proposed chief executive officer,  
23 if other than the proposed president.

24 ~~(e)(f)~~ Such detailed financial, business, and  
25 biographical information as the commission or office may  
26 reasonably require for each proposed director and for the  
27 proposed president and the proposed chief executive officer,  
28 if other than the president.

29 Section 26. Paragraph (a) of subsection (4) of section  
30 665.034, Florida Statutes, is amended to read:

31 665.034 Acquisition of assets of or control over an



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1 association.--

2 (4) For purposes of this section, a person or group of  
3 persons shall be deemed to have control of an association if  
4 such person or group of persons:

5 (a) Directly or indirectly, or acting in concert with  
6 one or more persons or through one or more subsidiaries, owns,  
7 controls, holds with powers to vote, or holds proxies  
8 representing ~~more than~~ 25 percent or more of the voting common  
9 stock of such association.

10 Section 27. Subsections (2) and (6) of section  
11 674.406, Florida Statutes, are amended to read:

12 674.406 Customer's duty to discover and report  
13 unauthorized signature or alteration.--

14 (2) If the items are not returned to the customer, the  
15 person retaining the items shall either retain the items or,  
16 if the items are destroyed, maintain the capacity to furnish  
17 legible copies of the items until the expiration of 5 7 years  
18 after receipt of the items. A customer may request an item  
19 from the bank that paid the item, and that bank must provide  
20 in a reasonable time either the item or, if the item has been  
21 destroyed or is not otherwise obtainable, a legible copy of  
22 the item.

23 (6) Without regard to care or lack of care of either  
24 the customer or the bank, a customer who does not within 180  
25 days ~~1 year~~ after the statement or items are made available to  
26 the customer (subsection (1)) discover and report the  
27 customer's unauthorized signature on or any alteration on the  
28 item or who does not, within 1 year after that time, discover,  
29 and report any unauthorized endorsement is precluded from  
30 asserting against the bank the unauthorized signature or  
31 alteration. If there is a preclusion under this subsection,

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1 the payor bank may not recover for breach of warranty under s.  
2 674.2081 with respect to the unauthorized signature or  
3 alteration to which the preclusion applies.

4 Section 28. Section 658.68, Florida Statutes, is  
5 repealed.

6 Section 29. Subsection (2) of section 733.6065,  
7 Florida Statutes, is amended to read:

8 733.6065 Opening safe-deposit box.--

9 (2) The right to open and examine the contents of a  
10 safe-deposit box leased by a decedent, or any documents  
11 delivered by a decedent for safekeeping, and to receive items  
12 as provided for in s. 655.935 are separate from ~~in addition to~~  
13 the rights provided for in subsection (1).

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16 ===== T I T L E A M E N D M E N T =====

17 And the title is amended as follows:

18 On page 2, line 25, through  
19 page 4, line 25, delete those lines

20

21 and insert:

22 amending s. 655.935, F.S.; providing that the  
23 access to a safe-deposit box granted by this  
24 section is not considered the initial opening;  
25 amending s. 655.936, F.S.; revising  
26 requirements regarding delivery of safe-deposit  
27 box contents to a personal representative of a  
28 deceased lessee; amending s. 655.937, F.S.;  
29 providing for rights of access by a co-lessee  
30 after the death or incapacity of another  
31 co-lessee of a safe-deposit box; amending s.

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1           655.94, F.S.; deleting a prohibition against  
2           certain notary publics being involved in  
3           opening safety deposit boxes for nonpayment of  
4           rent; requiring use of certified mail instead  
5           of registered mail; amending. s. 658.16, F.S.;  
6           providing criteria for a bank or trust company  
7           chartered as a limited liability company to be  
8           considered "incorporated" under the financial  
9           institutions codes; providing definitions;  
10          amending s. 658.23, F.S.; correcting  
11          terminology; deleting a requirement for a  
12          current copy of the bylaws of a bank or trust  
13          company to be on file with the Office of  
14          Financial Regulation; amending s. 658.26, F.S.;  
15          providing for state banks to relocate offices  
16          upon approval; providing that certain financial  
17          institutions may establish or relocate an  
18          office upon written notification; providing  
19          requirements for notification and a fee;  
20          requiring an application for relocation of a  
21          main office outside the state; exempting  
22          applications from publication in the Florida  
23          Administrative Weekly; modifying requirements  
24          for applications for branch offices by a bank  
25          ineligible for branch notification; deleting a  
26          requirement that such applications be published  
27          in the Florida Administrative Weekly and be  
28          subject to ch. 120, F.S.; requiring a  
29          relocation application to be filed with the  
30          Office of Financial Regulation; providing for a  
31          filing fee, investigations, and restrictions

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1 relating to such applications; amending s.  
2 658.33, F.S.; adding to the list of persons who  
3 must meet certain qualification levels;  
4 providing for a waiver of qualification  
5 requirements; amending s. 658.37, F.S.;  
6 prohibiting an imminently insolvent bank from  
7 paying dividends; amending s. 658.48, F.S.;  
8 specifying limitations on making loans and  
9 extending credit by a bank declared to be  
10 imminently insolvent; amending s. 658.67, F.S.;  
11 providing multiple dates for the assessment of  
12 the value of property acquisition as security;  
13 amending s. 658.73, F.S.; delineating which  
14 entities or individuals must pay a fee for a  
15 certificate of good standing; amending s.  
16 663.16, F.S.; revising definitions to include  
17 the term "branch" and to reduce the percentage  
18 of voting stock necessary for consideration as  
19 control; amending s. 663.304, F.S.; deleting a  
20 requirement for reservation of a proposed  
21 corporate name with the Department of State;  
22 amending s. 665.034, F.S.; revising a  
23 percentage designating control of an  
24 association; amending s. 674.406, F.S.;  
25 reducing the time that banks must retain  
26 receipts of items; reducing the time within  
27 which one must report unauthorized signatures;  
28 providing a time limitation within which to  
29 assert claims against a bank for an  
30 unauthorized endorsement; repealing s. 658.68,  
31 F.S., relating to liquidity requirements for a

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state bank; amending s. 733.6065, F.S.;  
providing that the right to access certain  
items of a decedent is separate from other  
rights relating to the initial opening of a  
decedent's safe-deposit box; providing an  
effective date.