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CS/CS/HB 435, Engrossed 1

2017 Legislature

1  
2 An act relating to international financial  
3 institutions; amending s. 655.005, F.S.; redefining  
4 the term "financial institution" to include  
5 international trust entities and qualified limited  
6 service affiliates; amending s. 655.059, F.S.;  
7 specifying conditions under which confidential books  
8 and records of international trust entities may be  
9 disclosed to their home-country supervisors; revising  
10 conditions for such disclosure for international  
11 banking corporations; redefining the term "home-  
12 country supervisor"; requiring books and records  
13 pertaining to trust accounts to be kept confidential  
14 by financial institutions and their directors,  
15 officers, and employees; providing an exception;  
16 providing construction; creating s. 663.001, F.S.;  
17 providing legislative intent; amending s. 663.01,  
18 F.S.; redefining terms; deleting the definition of the  
19 term "international trust company representative  
20 office"; amending s. 663.02, F.S.; revising  
21 applicability of the financial institutions codes as  
22 to international banking corporations; amending s.  
23 663.021, F.S.; conforming a provision to changes made  
24 by the act; amending s. 663.04, F.S.; deleting  
25 international trust companies from requirements for

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

26 carrying on financial institution business; conforming  
 27 a provision to changes made by the act; authorizing  
 28 the Office of Financial Regulation to permit certain  
 29 entities that would otherwise be prohibited from  
 30 carrying on financial institution business to remain  
 31 open and in operation under certain circumstances;  
 32 amending s. 663.05, F.S.; providing for an abbreviated  
 33 application procedure for certain entities established  
 34 by an international banking corporation; specifying  
 35 that the Financial Services Commission, rather than  
 36 the office, prescribes a certain application form;  
 37 requiring the commission to adopt rules for a time  
 38 limitation for an application decision after a  
 39 specified date; revising conditions for the office to  
 40 issue an international banking corporation license;  
 41 conforming a provision to changes made by the act;  
 42 amending s. 663.055, F.S.; revising capital  
 43 requirements for international banking corporations;  
 44 amending s. 663.06, F.S.; making technical changes;  
 45 conforming a provision to changes made by the act;  
 46 creating s. 663.0601, F.S.; providing an after-the-  
 47 fact licensure process in the event of the  
 48 acquisition, merger, or consolidation of international  
 49 banking corporations; specifying conditions for such  
 50 license; amending s. 663.061, F.S.; providing

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

51 | permissible activities for international bank  
52 | agencies; amending s. 663.062, F.S.; providing  
53 | permissible activities for certain international  
54 | representative offices; amending s. 663.063, F.S.;  
55 | providing permissible activities for international  
56 | administrative offices; amending s. 663.064, F.S.;  
57 | requiring the commission to adopt rules relating to  
58 | permissible deposits of international branches;  
59 | providing permissible activities for international  
60 | branches; amending s. 663.09, F.S.; revising  
61 | requirements for the maintenance of books and records  
62 | of international banking corporations; authorizing the  
63 | office to require international banking corporations  
64 | to translate certain documents into English at the  
65 | expense of the international banking corporations;  
66 | amending s. 663.11, F.S.; authorizing the office to  
67 | permit certain entities that would otherwise be  
68 | prohibited from continuing business to remain open and  
69 | in operation under certain circumstances; authorizing  
70 | the commission to adopt certain rules; requiring an  
71 | entity to surrender its license under certain  
72 | circumstances; making technical and conforming  
73 | changes; amending s. 663.12, F.S.; conforming a  
74 | provision to changes made by the act; amending s.  
75 | 663.17, F.S.; making technical changes; providing a

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

76 | directive to the Division of Law Revision and  
77 | Information to create part III of ch. 663, F.S.,  
78 | entitled "International Trust Company Representative  
79 | Offices"; creating s. 663.4001, F.S.; providing  
80 | legislative intent; creating s. 663.401, F.S.;  
81 | defining terms; creating s. 663.402, F.S.; providing  
82 | applicability of the financial institutions codes as  
83 | to international trust entities; creating s. 663.403,  
84 | F.S.; providing applicability of the Florida Business  
85 | Corporation Act as to international trust entities;  
86 | creating s. 663.404, F.S.; specifying requirements for  
87 | an international trust entity or certain related  
88 | entities to conduct financial institution business;  
89 | authorizing the office to permit an international  
90 | trust company representative office that would  
91 | otherwise be prohibited from continuing business to  
92 | remain open and in operation under certain  
93 | circumstances; creating s. 663.405, F.S.; providing  
94 | that an international trust company representative  
95 | office is not required to produce certain books and  
96 | records under certain circumstances; providing  
97 | applicability; creating s. 663.406, F.S.; providing  
98 | requirements for applications for an international  
99 | trust entity license; requiring the office to disallow  
100 | certain financial resources from capitalization

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

101 requirements; requiring the international trust entity  
102 to submit to the office a certain certificate;  
103 providing an abbreviated application process for  
104 certain international trust entities to establish  
105 international trust company representative offices;  
106 specifying parameters and requirements for the office  
107 in determining whether to approve or disapprove an  
108 application; requiring the commission to adopt by rule  
109 general principles regarding the adequacy of  
110 supervision of an international trust entity's foreign  
111 establishments rules; creating s. 663.407, F.S.;  
112 providing capital requirements for an international  
113 trust entity; requiring the commission to adopt rules;  
114 creating s. 663.408, F.S.; providing permissible  
115 activities under and requirements and limitations for  
116 international trust entity licenses; providing  
117 procedures, conditions, and requirements for the  
118 suspension, revocation, or surrender of an  
119 international trust entity license; creating s.  
120 663.4081, F.S.; providing for an after-the-fact  
121 licensure process in the event of the acquisition,  
122 merger, or consolidation of international trust  
123 entities; specifying conditions for such licensure;  
124 transferring, renumbering, and amending s. 663.0625,  
125 F.S.; adding prohibited activities of representatives

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

126 | and employees of an international trust company  
127 | representative office; providing permissible  
128 | activities of such offices; conforming provisions to  
129 | changes made by the act; creating s. 663.410, F.S.;  
130 | requiring international trust entities to certify to  
131 | the office the amount of their capital accounts at  
132 | specified intervals; providing construction; creating  
133 | s. 663.411, F.S.; specifying reporting and  
134 | recordkeeping requirements for international trust  
135 | entities; providing penalties; authorizing the office  
136 | to require an international trust entity to translate  
137 | certain documents into English at the international  
138 | trust entity's expense; creating s. 663.412, F.S.;  
139 | prohibiting an international trust entity from  
140 | continuing to conduct business in this state under  
141 | certain circumstances; authorizing the office to  
142 | permit an international trust company representative  
143 | office to remain open and in operation under certain  
144 | circumstances; authorizing the commission to adopt  
145 | certain rules; requiring an entity to surrender its  
146 | license under certain circumstances; requiring an  
147 | international trust entity or its surviving officers  
148 | and directors to deliver specified documents to the  
149 | office; providing construction; creating s. 663.413,  
150 | F.S.; specifying application and examination fees for

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

151 international trust company representative offices;  
152 creating s. 663.414, F.S.; authorizing the commission  
153 to adopt certain rules; providing an exemption from  
154 statement of estimated regulatory costs requirements;  
155 creating s. 663.415, F.S.; requiring international  
156 trust company representative offices that are under  
157 examination to reimburse domestic or foreign travel  
158 expenses of the office; providing a directive to the  
159 Division of Law Revision and Information to create  
160 part IV of ch. 663, F.S., entitled "Qualified Limited  
161 Service Affiliates of International Trust Entities";  
162 creating s. 663.530, F.S.; defining terms; creating s.  
163 663.531, F.S.; specifying permissible and prohibited  
164 activities of a qualified limited service affiliate;  
165 requiring specified notices to be posted on an  
166 international trust entity's or qualified limited  
167 service affiliate's website; authorizing enforcement  
168 actions by the office; providing construction;  
169 creating s. 663.532, F.S.; requiring certain persons  
170 or entities to qualify as qualified limited service  
171 affiliates by a specified date or cease doing business  
172 in this state; permitting certain persons or entities  
173 to remain open and in operation under certain  
174 circumstances; amending s. 663.532, F.S., as created  
175 by this act; specifying qualification notice

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

176 requirements; providing requirements and procedures  
177 for additional information requested by the office;  
178 providing summary suspension requirements and  
179 procedures; requiring the office to make investigation  
180 of specified persons upon the filing of a completed  
181 qualification notice; requiring the office to approve  
182 a qualification only if certain conditions are met;  
183 providing factors for the office to consider when  
184 evaluating a previous offense or violation committed  
185 by, or a previous fine or penalty imposed on,  
186 specified persons; providing that qualifications are  
187 not transferable or assignable; creating s. 663.5325,  
188 F.S.; providing that a qualified limited service  
189 affiliate is not required to produce certain books and  
190 records under certain circumstances; providing  
191 applicability; creating s. 663.533, F.S.; providing  
192 applicability of the financial institutions codes as  
193 to qualified limited service affiliates; providing  
194 construction; creating s. 663.534, F.S.; requiring  
195 qualified limited service affiliates to report changes  
196 of certain information to the office within a  
197 specified timeframe; creating s. 663.535, F.S.;

198 requiring a specified notice to customers in marketing  
199 documents, advertisements, and displays at the  
200 qualified limited service affiliate's location or at

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

201 certain events; creating s. 663.536, F.S.; specifying  
202 recordkeeping requirements relating to certain events  
203 that a qualified limited service affiliate  
204 participates in; creating s. 663.537, F.S.;  
205 authorizing the office to conduct examinations or  
206 investigations of qualified limited service affiliates  
207 for certain purposes; specifying a minimum interval of  
208 examinations to assess compliance; authorizing the  
209 office to examine a person or entity submitting a  
210 notice of qualification for certain purposes; creating  
211 s. 663.538, F.S.; providing requirements and  
212 procedures relating to the suspension, revocation, or  
213 voluntary surrender of a qualified limited service  
214 affiliate's qualification; providing a penalty;  
215 authorizing the office to conduct examinations under  
216 certain circumstances; prohibiting the office from  
217 denying a request to terminate operations except under  
218 certain circumstances; providing construction;  
219 creating s. 663.539, F.S.; requiring a qualified  
220 limited service affiliate to renew its qualification  
221 biennially; specifying requirements for the renewal  
222 qualification; reenacting s. 663.16, F.S., relating to  
223 definitions, to incorporate the amendment made to s.  
224 663.01, F.S., in a reference thereto; providing  
225 effective dates.

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

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

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

655.005 Definitions.—

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

(i) "Financial institution" means a state or federal savings or thrift association, bank, savings bank, trust company, international bank agency, international banking corporation, international branch, international representative office, international administrative office, international trust entity, international trust company representative office, qualified limited service affiliate, credit union, or an agreement corporation operating pursuant to s. 25 of the Federal Reserve Act, 12 U.S.C. ss. 601 et seq. or Edge Act corporation organized pursuant to s. 25(a) of the Federal Reserve Act, 12 U.S.C. ss. 611 et seq.

Section 2. Subsection (1) and paragraph (b) of subsection (2) of section 655.059, Florida Statutes, are amended to read:

655.059 Access to books and records; confidentiality; penalty for disclosure.—

(1) The books and records of a financial institution are confidential and shall be made available for inspection and

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

251 examination only:

252 (a) To the office or its duly authorized representative;

253 (b) To any person duly authorized to act for the financial  
254 institution;

255 (c) To any federal or state instrumentality or agency  
256 authorized to inspect or examine the books and records of an  
257 insured financial institution;

258 (d) With respect to an international banking corporation  
259 or international trust entity, to the home-country supervisor of  
260 the international banking corporation or international trust  
261 entity, provided:

262 1. The home-country supervisor provides advance notice to  
263 the office that the home-country supervisor intends to examine  
264 the Florida office of the international banking corporation or  
265 international trust entity. Such examination may be conducted  
266 onsite or offsite and may include ongoing reporting by the  
267 Florida office of the international banking corporation or  
268 international trust entity to the home-country supervisor.

269 2. The home-country supervisor confirms to the office that  
270 the purpose of the examination is to ensure the safety and  
271 soundness of the international banking corporation or  
272 international trust entity.

273 3. The books and records pertaining to customer deposit,  
274 investment, ~~and~~ custodial, and trust accounts are not disclosed  
275 to the home-country supervisor.

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

276 4. At any time during the conduct of the examination, the  
277 office reserves the right to have an examiner present, ~~or~~ to  
278 participate jointly in the examination, or to receive copies of  
279 all information provided to the home-country supervisor.

280  
281 As used in ~~For purposes of~~ this paragraph, the term "home-  
282 country supervisor" means the governmental entity in the  
283 international banking corporation's or international trust  
284 entity's home country with responsibility for the supervision  
285 and regulation of the safety and soundness of the international  
286 banking corporation or international trust entity;

287 (e) As compelled by a court of competent jurisdiction,  
288 pursuant to a subpoena issued pursuant to the Florida Rules of  
289 Civil Procedure, the Florida Rules of Criminal Procedure, or the  
290 Federal Rules of Civil Procedure, or pursuant to a subpoena  
291 issued in accordance with state or federal law. Before ~~Prior to~~  
292 the production of the books and records of a financial  
293 institution, the party seeking production must reimburse the  
294 financial institution for the reasonable costs and fees incurred  
295 in compliance with the production. If the parties disagree  
296 regarding the amount of reimbursement, the party seeking the  
297 records may request the court or agency having jurisdiction to  
298 set the amount of reimbursement;

299 (f) As compelled by legislative subpoena as provided by  
300 law, in which case the provisions of s. 655.057 apply;

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

301 (g) Pursuant to a subpoena, to any federal or state law  
302 enforcement or prosecutorial instrumentality authorized to  
303 investigate suspected criminal activity;

304 (h) As authorized by the board of directors of the  
305 financial institution; or

306 (i) As provided in subsection (2).

307 (2)

308 (b) The books and records pertaining to trust accounts and  
309 the deposit accounts and loans of depositors, borrowers,  
310 members, and stockholders of any financial institution shall be  
311 kept confidential by the financial institution and its  
312 directors, officers, and employees and may ~~shall~~ not be released  
313 except upon express authorization of the account holder as to  
314 her or his own accounts, loans, or voting rights. However,  
315 information relating to any loan made by a financial institution  
316 may be released without the borrower's authorization in a manner  
317 prescribed by the board of directors for the purpose of meeting  
318 the needs of commerce and for fair and accurate credit  
319 information. Information may also be released, without the  
320 authorization of a member or depositor but in a manner  
321 prescribed by the board of directors, to verify or corroborate  
322 the existence or amount of a customer's or member's account when  
323 such information is reasonably provided to meet the needs of  
324 commerce and to ensure accurate credit information. In addition,  
325 a financial institution, affiliate, and its subsidiaries, and

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

326 any holding company of the financial institution or subsidiary  
 327 of such holding company, may furnish to one another information  
 328 relating to their customers or members, subject to the  
 329 requirement that each corporation receiving information that is  
 330 confidential maintain the confidentiality of such information  
 331 and not provide or disclose such information to any unaffiliated  
 332 person or entity. Notwithstanding this paragraph, ~~nothing in~~  
 333 this subsection does not shall prohibit:

334 1. A financial institution from disclosing financial  
 335 information as referenced in this subsection as authorized  
 336 ~~permitted~~ by Pub. L. No. 106-102 (1999), as set forth in 15  
 337 U.S.C.A. s. 6802, as amended.

338 2. The Florida office of the international banking  
 339 corporation or international trust entity from sharing books and  
 340 records under this subsection with the home-country supervisor  
 341 in accordance with subsection (1).

342 Section 3. Section 663.001, Florida Statutes, is created  
 343 in part I of chapter 663, Florida Statutes, to read:

344 663.001 Purpose.—The purpose of this part is to establish  
 345 a legal and regulatory framework for the conduct by  
 346 international banking corporations of financial services  
 347 business in this state. This part is intended to:

348 (1) Support the Florida operations of international  
 349 banking corporations and promote the growth of international  
 350 financial services to benefit the economy and consumers in this

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

351 state.

352 (2) Provide for appropriate supervision and regulatory  
353 oversight to ensure that financial services activities of  
354 international banking corporations in this state are conducted  
355 responsibly and in a safe and sound manner.

356 Section 4. Subsections (6) and (9) and paragraph (b) of  
357 subsection (11) of section 663.01, Florida Statutes, are amended  
358 to read:

359 663.01 Definitions.—As used in this part, the term:

360 (6) "International banking corporation" means a banking  
361 corporation organized and licensed under the laws of a foreign  
362 country. The term ~~"international banking corporation"~~ includes,  
363 without limitation, a foreign commercial bank, foreign merchant  
364 bank, or other foreign institution that engages in banking  
365 activities usual in connection with the business of banking in  
366 the country where such foreign institution is organized or  
367 operating, including a corporation: the sole shareholders of  
368 which are one or more international banking corporations or  
369 holding companies which own or control one or more international  
370 banking corporations which are authorized to carry on a banking  
371 business, or a central bank or government agency of a foreign  
372 country and any affiliate or division thereof; which has the  
373 power to receive deposits from the general public in the country  
374 where it is chartered and organized; and which is under the  
375 supervision of the central bank or other bank regulatory

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

376 authority of such country. The term also includes ~~foreign trust~~  
 377 ~~companies, or any similar business entities, including, but not~~  
 378 ~~limited to,~~ foreign banks with fiduciary powers which, ~~that~~  
 379 conduct trust business as defined in the financial institutions  
 380 codes.

381 ~~(9) "International trust company representative office"~~  
 382 ~~means an office of an international banking corporation or trust~~  
 383 ~~company organized and licensed under the laws of a foreign~~  
 384 ~~country which office is established or maintained in this state~~  
 385 ~~for the purpose of engaging in nonfiduciary activities described~~  
 386 ~~in s. 663.0625, or any affiliate, subsidiary, or other person~~  
 387 ~~that engages in such activities on behalf of such international~~  
 388 ~~banking corporation or trust company from an office located in~~  
 389 ~~this state.~~

390 ~~(10)-(11)~~ (10) "Nonresident" means:

391 (b) A person,  other than an individual, whose principal  
 392 place of business or domicile is outside the United States and  
 393 includes a person who conducts a majority of its business  
 394 activities in a foreign country and any foreign government and  
 395 its subdivision, agencies, and instrumentalities. Any person who  
 396 conducts business in the United States is considered to have its  
 397 principal place of business outside the United States if any one  
 398 of the following requirements is satisfied for its most recent  
 399 fiscal year:

400 1. Its assets located outside the United States exceed its

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

401 assets located within the United States;

402 2. Its gross revenues generated outside the United States  
403 exceed its gross revenues generated within the United States; or

404 3. Its payroll expenses incurred outside the United States  
405 exceed its payroll expenses incurred within the United States.

406 Section 5. Section 663.02, Florida Statutes, is amended to  
407 read:

408 663.02 Applicability of the financial institutions codes  
409 ~~state banking laws.~~—

410 (1) International banking corporations having offices in  
411 this state are subject to all the provisions of the financial  
412 institutions codes ~~and chapter 655~~ as though such corporations  
413 were state banks ~~or trust companies~~, except where it may appear,  
414 from the context or otherwise, that such provisions are clearly  
415 applicable only to banks ~~or trust companies~~ organized under the  
416 laws of this state or the United States. Without limiting the  
417 foregoing general provisions, it is the intent of the  
418 Legislature that the following provisions are applicable to such  
419 banks or trust companies: s. 655.031, relating to administrative  
420 enforcement guidelines; s. 655.032, relating to investigations,  
421 subpoenas, hearings, and witnesses; s. 655.0321, relating to  
422 hearings, proceedings, and related documents and restricted  
423 access thereto; s. 655.033, relating to cease and desist orders;  
424 s. 655.037, relating to removal by the office of an officer,  
425 director, committee member, employee, or other person; s.

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

426 655.041, relating to administrative fines and enforcement; s.  
 427 655.50, relating to the control of money laundering and  
 428 terrorist financing; and any law for which the penalty is  
 429 increased under s. 775.31 for facilitating or furthering  
 430 terrorism. International banking corporations do not have the  
 431 powers conferred on domestic banks by s. 658.60, relating to  
 432 deposits of public funds. Chapter 687, relating to interest and  
 433 usury, applies to all bank loans.

434 (2) Neither an international bank agency nor an  
 435 international branch shall have any greater right under, or by  
 436 virtue of, this section than is granted to banks organized under  
 437 the laws of this state. Legal and financial terms used herein  
 438 shall be deemed to refer to equivalent terms used by the country  
 439 in which the international banking corporation is organized.  
 440 This chapter and the financial institutions codes may not be  
 441 construed to authorize any international banking corporation ~~or~~  
 442 ~~trust company~~ to conduct trust business, as defined in s.  
 443 658.12, from an office in this state except for those activities  
 444 specifically authorized by s. 663.061(5) ~~ss. 663.061(5) and~~  
 445 ~~663.0625~~.

446 Section 6. Subsection (1) of section 663.021, Florida  
 447 Statutes, is amended to read:

448 663.021 Civil action subpoena enforcement.—

449 (1) Notwithstanding s. 655.059, an international  
 450 representative office, international bank agency, international

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

451 branch, ~~international trust company representative office,~~ or  
 452 international administrative office established under this  
 453 chapter is not required to produce a book or record pertaining  
 454 to a deposit account, investment account, or loan of a customer  
 455 of the international banking corporation's offices that are  
 456 located outside the United States or its territories in response  
 457 to a subpoena if the book or record is maintained outside the  
 458 United States or its territories and is not in the possession,  
 459 custody, or control of the international banking corporation's  
 460 office, agency, or branch established in this state.

461 Section 7. Section 663.04, Florida Statutes, is amended to  
 462 read:

463 663.04 Requirements for carrying on financial institution  
 464 business.—An international banking corporation ~~or trust company,~~  
 465 or any affiliate, subsidiary, or other person or business entity  
 466 acting as an agent for, on behalf of, or for the benefit of such  
 467 international banking corporation ~~or trust company~~ who engages  
 468 in such activities from an office located in this state, may not  
 469 transact a banking or trust business, or maintain in this state  
 470 any office for carrying on such business, or any part thereof,  
 471 unless such corporation, ~~trust company,~~ affiliate, subsidiary,  
 472 person, or business entity:

473 (1) Has been authorized by its charter to carry on a  
 474 banking or trust business and has complied with the laws of the  
 475 jurisdiction in which it is chartered.

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

476 (2) Has furnished to the office such proof as to the  
 477 nature and character of its business and as to its financial  
 478 condition as the commission or office requires.

479 (3) Has filed with the office a certified copy of that  
 480 information required to be supplied to the Department of State  
 481 by those provisions of part I of chapter 607 which are  
 482 applicable to foreign corporations.

483 (4) Has received a license duly issued to it by the  
 484 office.

485 (5) Has sufficient capital in accordance with the  
 486 requirements of capital accounts no less than the minimums  
 487 required per s. 663.055 and the rules adopted thereunder and is  
 488 not imminently insolvent or insolvent, as those terms are  
 489 defined in per s. 655.005(1).

490 (6) (a) Is not in bankruptcy, conservatorship,  
 491 receivership, liquidation, or similar status under the laws of  
 492 any country.

493 (b) Is not operating under the direct control of the  
 494 government, regulatory, or supervisory authority of the  
 495 jurisdiction of its incorporation through government  
 496 intervention or any other extraordinary actions.

497 (c) Has not been in such status or control at any time  
 498 within the 3 7 years preceding the date of application for a  
 499 license.

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ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

501 Notwithstanding paragraphs (a) and (b), the office may permit an  
502 international branch, international bank agency, international  
503 administrative office, or international representative office to  
504 remain open and in operation pursuant to s. 663.11(1)(b).

505 Section 8. Present subsections (4) through (8) of section  
506 663.05, Florida Statutes, are redesignated as subsections (5)  
507 through (9), respectively, a new subsection (4) is added to that  
508 section, and present subsections (4), (5), and (6), paragraph  
509 (c) of present subsection (7), and present subsection (8) of  
510 that section are amended, to read:

511 663.05 Application for license; approval or disapproval.—

512 (4) Notwithstanding subsection (1), an international  
513 banking corporation that has operated an international branch,  
514 international bank agency, international administrative office,  
515 or international representative office in this state for a  
516 minimum of 3 years in a safe and sound manner, as defined by  
517 commission rule, and that is otherwise eligible to establish an  
518 additional office may establish one or more additional  
519 international branches, international bank agencies,  
520 international administrative offices, or international  
521 representative offices by providing an abbreviated application  
522 and paying the appropriate license fee pursuant to s. 663.12.  
523 This subsection does not permit an international banking  
524 corporation to file an abbreviated application for any license  
525 type whose permissible activities are broader than those in

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

526 | which the international banking corporation is currently  
527 | authorized to engage.

528 |       ~~(5)~~~~(4)~~ An application filed pursuant to this section must  
529 | ~~shall~~ be made on a form prescribed by the commission ~~office~~ and  
530 | must ~~shall~~ contain such information as the commission or office  
531 | requires.

532 |       ~~(6)~~~~(5)~~ The office may, in its discretion, approve or  
533 | disapprove the application, but it may ~~shall~~ not approve the  
534 | application unless, in its opinion, the applicant meets each and  
535 | every requirement of this part and any other applicable  
536 | provision of the financial institutions codes. The office shall  
537 | approve the application only if it has determined that the  
538 | directors, executive officers, and principal shareholders of the  
539 | international banking corporation are qualified by reason of  
540 | their financial ability, reputation, and integrity and have  
541 | sufficient banking and other business experience to indicate  
542 | that they will manage and direct the affairs of the  
543 | international banking corporation in a safe, sound, and lawful  
544 | manner. In the processing of an application filed pursuant to  
545 | this section ~~applications~~, the time limitations under the  
546 | Administrative Procedure Act do ~~shall~~ not apply as to approval  
547 | or disapproval of the application. For applications filed on or  
548 | after January 1, 2018, the time limitations for approval or  
549 | disapproval of an application must be prescribed by rule of the  
550 | commission.

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CS/CS/HB 435, Engrossed 1

2017 Legislature

551        (7)~~(6)~~ The office may not issue a license to an  
 552 international banking corporation unless:

553        (a) It is chartered in a jurisdiction in which any  
 554 financial institution licensed or chartered by any state or any  
 555 federal bank regulatory agency in the United States ~~bank or~~  
 556 ~~trust company having its principal place of business in this~~  
 557 ~~state~~ may establish similar facilities or exercise similar  
 558 powers; or

559        (b) Federal law permits the appropriate federal regulatory  
 560 authority to issue a comparable license to the international  
 561 banking corporation.

562        (8)~~(7)~~ The office may not issue a license to an  
 563 international banking corporation for the purpose of operating:

564        ~~(c) A trust representative office in this state unless the~~  
 565 ~~corporation:~~

566        1. ~~Holds an unrestricted license to conduct trust business~~  
 567 ~~in the foreign country under the laws of which it is organized~~  
 568 ~~and chartered.~~

569        2. ~~Has been authorized by the foreign country's trust~~  
 570 ~~business regulatory authority to establish the proposed~~  
 571 ~~international trust representative office.~~

572        3. ~~Is adequately supervised by the central bank or trust~~  
 573 ~~regulatory agency in the foreign country in which it is~~  
 574 ~~organized and chartered.~~

575        4. ~~Meets all requirements under the financial institutions~~

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

576 ~~codes for the operation of a trust company or trust department~~  
 577 ~~as if it were a state chartered trust company or bank authorized~~  
 578 ~~to exercise fiduciary powers.~~

579 (9)~~(8)~~ The commission shall establish, by rule, the  
 580 general principles which shall determine the adequacy of  
 581 supervision of an international banking corporation's foreign  
 582 establishments. These principles shall be based upon the need  
 583 for cooperative supervisory efforts and consistent regulatory  
 584 guidelines and shall address, at a minimum, the capital  
 585 adequacy, asset quality, management, earnings, liquidity,  
 586 internal controls, audits, and foreign exchange operations and  
 587 positions of the international banking corporation. This  
 588 subsection does ~~shall~~ not require examination by the home-  
 589 country regulatory authorities of any office of an international  
 590 banking corporation in this state. The commission may also  
 591 establish, by rule, other standards for approval of an  
 592 application for a license as considered necessary to ensure the  
 593 safe and sound operations of the international banking  
 594 corporation ~~bank or trust representative office~~ in this state.

595 Section 9. Section 663.055, Florida Statutes, is amended  
 596 to read:

597 663.055 Capital requirements.—

598 (1) To qualify for a license under ~~the provisions of this~~  
 599 part, the proposed capitalization of the international banking  
 600 corporation must be in such amount as the office determines is

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

601 necessary, taking into consideration the risk profile of the  
602 international banking corporation and the ability of the  
603 international banking corporation to operate a licensed office  
604 in a safe and sound manner. In making this determination, the  
605 office must consider the financial resources of the  
606 international banking corporation, including ~~an international~~  
607 ~~banking corporation must have net capital accounts, calculated~~  
608 ~~according to United States generally accepted accounting~~  
609 ~~principles and practices, of at least:~~

610 (a) The international banking corporation's current and  
611 projected capital position, profitability, level of  
612 indebtedness, and business and strategic plans ~~Forty million~~  
613 ~~dollars for the establishment of an international bank agency,~~  
614 ~~an international branch, or an international administrative~~  
615 ~~office; or~~

616 (b) The financial condition of any of the international  
617 banking corporation's existing offices located in the United  
618 States; ~~Twenty million dollars for the establishment of an~~  
619 ~~international representative office or international trust~~  
620 ~~representative office.~~

621 (c) The minimum capital requirements of the international  
622 banking corporation's home-country jurisdiction; and

623 (d) The capital ratio standards used in the United States  
624 and in the international banking corporation's home-country  
625 jurisdiction.

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

626           (2) The proposed capitalization of the international  
627 banking corporation must be in such amount as the office deems  
628 adequate, but in no case may the total capital accounts of the  
629 international banking corporation be less than the minimum  
630 required under s. 658.21(2) to establish a state bank

631 ~~Notwithstanding the provisions of paragraph (1) (a), the office~~  
632 ~~may approve an application for a license to establish an~~  
633 ~~international bank agency, an international branch, or an~~  
634 ~~international administrative office if:~~

635           ~~(a) The international banking corporation is licensed to~~  
636 ~~receive deposits from the general public in the country where it~~  
637 ~~is organized and licensed and to engage in such other activities~~  
638 ~~as are usual in connection with the business of banking in such~~  
639 ~~country;~~

640           ~~(b) The office receives a certificate that is issued by~~  
641 ~~the banking or supervisory authority of the country in which the~~  
642 ~~international banking corporation is organized and licensed and~~  
643 ~~states that the international banking corporation is duly~~  
644 ~~organized and licensed and lawfully existing in good standing,~~  
645 ~~and is empowered to conduct a banking business; and~~

646           ~~(c) The international banking corporation has been in the~~  
647 ~~business of banking for at least 10 years and is ranked by the~~  
648 ~~banking or supervisory authority of the country in which it is~~  
649 ~~organized and licensed as one of the five largest banks in that~~  
650 ~~country in terms of domestic deposits, as of the date of its~~

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

651 ~~most recent statement of financial condition. However, in no~~  
652 ~~event shall the office approve an application under this~~  
653 ~~subsection for any international banking corporation with~~  
654 ~~capital accounts of less than \$20 million.~~

655 (3) The office may specify such other conditions as it  
656 determines are appropriate, considering the public interest and  
657 the need to maintain a safe, sound, and competitive banking  
658 system in this state, ~~and the preservation of an environment~~  
659 ~~conducive to the conduct of an international banking business in~~  
660 ~~this state. In translating the capital accounts of an~~  
661 ~~international banking corporation, the office may consider~~  
662 ~~monetary corrections accounts that reflect results consistent~~  
663 ~~with the requirements of generally accepted accounting~~  
664 ~~principles in the United States.~~

665 (4) For the purpose of this part, the capital accounts of  
666 and capital ratio standards for an international banking  
667 corporation must ~~shall~~ be determined in accordance with rules  
668 adopted by the commission. In adopting such rules, the  
669 commission shall consider similar rules adopted by bank  
670 regulatory agencies in the United States and the need to provide  
671 reasonably consistent regulatory requirements for international  
672 banking corporations ~~which will maintain the safe and sound~~  
673 ~~condition of international banking corporations~~ doing business  
674 in this state, as well as capital adequacy standards of an  
675 international banking corporation's home-country jurisdiction.

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CS/CS/HB 435, Engrossed 1

2017 Legislature

676 Section 10. Subsections (1) and (3) of section 663.06,  
677 Florida Statutes, are amended to read:

678 663.06 Licenses; permissible activities.—

679 (1) (a) An international banking corporation licensed to  
680 operate an office in this state may engage in the business  
681 authorized by this part at the office specified in such license  
682 for an indefinite period.

683 (b) An international banking corporation may operate more  
684 than one licensed office, each at a different place of business,  
685 provided that each office is ~~shall be~~ separately licensed.

686 (c) A ~~No~~ license is not transferable or assignable.  
687 However, the location of a licensed office may be changed after  
688 notification of the office.

689 (d) Every such license must ~~shall~~ be, at all times,  
690 conspicuously displayed in the place of business specified  
691 therein.

692 (3) The license for any international banking corporation  
693 office in this state may be suspended or revoked by the office,  
694 with or without examination, upon its determination that the  
695 international banking corporation or the licensed office does  
696 not meet all requirements for original licensing. Additionally,  
697 the office shall revoke the license of any licensed office that  
698 the office determines has been inactive for 6 months or longer.  
699 The commission may by rule prescribe additional conditions or  
700 standards under which the license of an international bank

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CS/CS/HB 435, Engrossed 1

2017 Legislature

701 agency, international branch, international representative  
 702 office, ~~international trust company representative office,~~ or  
 703 international administrative office may be suspended or revoked.

704 Section 11. Section 663.0601, Florida Statutes, is created  
 705 to read:

706 663.0601 After-the-fact licensure process in the event of  
 707 the acquisition, merger, or consolidation of international  
 708 banking corporations.-If an international banking corporation  
 709 proposes to acquire, merge, or consolidate with an international  
 710 banking corporation that presently operates an international  
 711 branch, international bank agency, international administrative  
 712 office, or international representative office licensed in this  
 713 state, the office may authorize the currently licensed  
 714 international branch, international bank agency, international  
 715 administrative office, or international representative office to  
 716 remain open and in operation after consummation of the proposed  
 717 acquisition, merger, or consolidation, if the acquiring  
 718 international banking corporation files an after-the-fact  
 719 application and all of the following conditions are met:

720 (1) The international banking corporation or corporations  
 721 resulting from the acquisition, merger, or consolidation will  
 722 not directly or indirectly own or control more than 5 percent of  
 723 any class of the voting securities of, or control, a United  
 724 States bank.

725 (2) Before consummation of the acquisition, merger, or

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CS/CS/HB 435, Engrossed 1

2017 Legislature

726 consolidation, the international banking corporation currently  
 727 licensed to operate an international branch, international bank  
 728 agency, international administrative office, or international  
 729 representative office in this state must provide the office at  
 730 least 30 days' advance written notice, as prescribed by rules  
 731 adopted by the commission, of the proposed acquisition, merger,  
 732 or consolidation.

733 (3) Before consummation of the acquisition, merger, or  
 734 consolidation, each international banking corporation commits in  
 735 writing that it will either:

736 (a) Comply with the conditions in subsections (1) and (2)  
 737 and file an after-the-fact application for a license under s.  
 738 663.05(1) within 60 days after consummation of the proposed  
 739 acquisition, merger, or consolidation; and refrain from engaging  
 740 in new lines of business and from otherwise expanding the  
 741 activities of such establishment in this state until the  
 742 disposition of the after-the-fact license application, in  
 743 accordance with chapter 120; or

744 (b) Promptly wind down and close any international branch,  
 745 international bank agency, international administrative office,  
 746 or international representative office in this state if the  
 747 international banking corporations that are party to the  
 748 acquisition, merger, or consolidation elect not to file an  
 749 application for a license in accordance with paragraph (a); and,  
 750 before such wind-down and closure, refrain from engaging in new

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CS/CS/HB 435, Engrossed 1

2017 Legislature

751 lines of business or otherwise expanding the activities of such  
 752 establishment in this state.

753 Section 12. Subsection (1) of section 663.061, Florida  
 754 Statutes, is amended to read:

755 663.061 International bank agencies; permissible  
 756 activities.—

757 (1) An international bank agency licensed under this part  
 758 may make any loan, extension of credit, or investment which it  
 759 could make if incorporated and operating as a bank organized  
 760 under the laws of this state. An international bank agency may  
 761 act as custodian and may furnish investment management, and  
 762 investment advisory services authorized under rules adopted by  
 763 the commission, to nonresident entities or persons whose  
 764 principal places of business or domicile are outside the United  
 765 States and to resident entities or persons with respect to  
 766 international, ~~or~~ foreign, or domestic investments. An  
 767 international banking corporation that ~~which~~ has an  
 768 international bank agency licensed under the terms of this part  
 769 is shall be exempt from the registration requirements of s.  
 770 517.12. An international bank agency licensed by the office may  
 771 engage in any activity permissible for an international  
 772 administrative office or international representative office.

773 Section 13. Section 663.062, Florida Statutes, is amended  
 774 to read:

775 663.062 International representative offices; permissible

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CS/CS/HB 435, Engrossed 1

2017 Legislature

776 activities.—An international representative office may promote  
 777 or assist the deposit-taking, lending, or other financial or  
 778 banking activities of an international banking corporation. An  
 779 international representative office may serve as a liaison in  
 780 Florida between an international banking corporation and its  
 781 existing and potential customers. Representatives and employees  
 782 based at such office may solicit business for the international  
 783 banking corporation and its subsidiaries and affiliates, provide  
 784 information to customers concerning their accounts, answer  
 785 questions, receive applications for extensions of credit and  
 786 other banking services, transmit documents on behalf of  
 787 customers, and make arrangements for customers to transact  
 788 business on their accounts, but a representative office may not  
 789 conduct any banking or trust business in this state. An  
 790 international representative office of an international banking  
 791 corporation that has fiduciary powers may engage in the  
 792 international trust representative office activities enumerated  
 793 in s. 663.409.

794 Section 14. Subsection (2) of section 663.063, Florida  
 795 Statutes, is amended to read:

796 663.063 International administrative offices.—

797 (2) An office established pursuant to ~~the provisions of~~  
 798 this section may ~~not~~ engage only in ~~any activity except~~ those  
 799 activities set forth in subsection (1) and the activities  
 800 permissible for an international representative office pursuant

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

801 to s. 663.062.

802 Section 15. Section 663.064, Florida Statutes, is amended  
803 to read:

804 663.064 International branches; permissible activities;  
805 requirements.—

806 (1) An international banking corporation that meets the  
807 requirements of ss. 658.26, 663.04, and 663.05 may, with the  
808 approval of the office, establish one or more branches in this  
809 state. ~~An international branch shall have the same rights and~~  
810 ~~privileges as a federally licensed international branch.~~ The  
811 operations of an international branch shall be conducted  
812 pursuant to requirements determined by the office as necessary  
813 to ensure compliance with the provisions of the financial  
814 institutions codes, including requirements for the maintenance  
815 of accounts and records separate from those of the international  
816 banking corporation of which it is a branch.

817 (2) An international branch has the same rights and  
818 privileges as a federally licensed international branch. The  
819 permissible deposits of an international branch must be  
820 determined in accordance with rules adopted by the commission.  
821 In adopting such rules, the commission shall consider the  
822 similar deposit-taking authority of a federally licensed  
823 international branch and the need to provide reasonably  
824 consistent regulatory requirements for international banking  
825 corporations doing business in this state.

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

826           (3) An international branch licensed by the office may  
 827 engage in any activity permissible for an international bank  
 828 agency, international administrative office, or international  
 829 representative office.

830           Section 16. Subsection (3) of section 663.09, Florida  
 831 Statutes, is amended, and subsection (5) is added to that  
 832 section, to read:

833           663.09 Reports; records.—

834           (3) Each international banking corporation that ~~which~~  
 835 operates an office licensed under this part shall cause to be  
 836 kept, at a location accepted by the office:

837           (a) Correct and complete books and records of account of  
 838 the business operations transacted by such office. All policies  
 839 and procedures relating specifically to ~~governing~~ the operations  
 840 of such office, as well as any existing general ledger or  
 841 subsidiary accounts, must ~~shall~~ be maintained in the English  
 842 language. Any policies and procedures of the international  
 843 banking corporation which are not specific to the operations of  
 844 such office may be maintained in a language other than English  
 845 ~~The office may require that any other document not written in~~  
 846 ~~the English language which the office deems necessary for the~~  
 847 ~~purposes of its regulatory and supervisory functions be~~  
 848 ~~translated into English at the expense of the international~~  
 849 ~~banking corporation.~~

850           (b) Current copies of the charter and bylaws of the

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

851 international banking corporation, relative to the operations of  
 852 the office, and minutes of the proceedings of its directors,  
 853 officers, or committees relative to the business of the office.  
 854 Such records may be maintained in a language other than English  
 855 and must ~~shall~~ be kept pursuant to s. 655.91 and ~~shall be~~ made  
 856 available to the office, upon request, at any time during  
 857 regular business hours of the office. Any failure to keep such  
 858 records as aforesaid or any refusal to produce such records upon  
 859 request by the office is ~~shall be~~ grounds for suspension or  
 860 revocation of any license issued under this part.

861 (5) The office may require at any time that any document  
 862 not written in the English language which the office deems  
 863 necessary for the purposes of its regulatory and supervisory  
 864 functions be translated into English at the expense of the  
 865 international banking corporation.

866 Section 17. Section 663.11, Florida Statutes, is amended  
 867 to read:

868 663.11 Termination of international banking corporation's  
 869 charter or authority.—

870 (1)(a) An international banking corporation that is  
 871 licensed to maintain an office in this state may not continue to  
 872 conduct its licensed business in this state if the international  
 873 banking corporation:

874 1. Is dissolved, or its authority or existence is  
 875 otherwise terminated or canceled in the jurisdiction of its

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

876 incorporation;~~;~~

877 2. Is in bankruptcy, conservatorship, receivership,  
878 liquidation, or similar status under the laws of any country;~~;~~  
879 or

880 3. Is operating under the direct control of the government  
881 or the regulatory or supervisory authority of the jurisdiction  
882 of its incorporation through government intervention or any  
883 other extraordinary actions.

884 (b)1. Notwithstanding subparagraphs (a)2. and 3., the  
885 office may permit an international branch, international bank  
886 agency, international administrative office, or international  
887 representative office to remain open and in operation under the  
888 following conditions:

889 a. Within 30 days after the occurrence of an event  
890 described in subparagraph (a)2. or subparagraph (a)3., the  
891 international branch, international bank agency, international  
892 administrative office, or international representative office  
893 provides the office with a plan to wind down its affairs and  
894 business within the subsequent 90 days or provides an interim  
895 operational plan outlining parameters for its continued  
896 operation. If the office finds that such interim operational  
897 plan does not allow for the conduct of business in a safe and  
898 sound manner, the office shall revoke the license.

899 b. The international banking corporation is authorized by  
900 the foreign country in which it is organized and licensed to

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

901 address the affairs of any international branch, international  
902 bank agency, international administrative office, or  
903 international representative office in this state.

904 c. The international branch, international bank agency,  
905 international administrative office, or international  
906 representative office does not engage in any new lines of  
907 business or otherwise expand its activities in this state.

908 d. The office determines that allowing the international  
909 branch, international bank agency, international administrative  
910 office, or international representative office to remain open  
911 furtheres domestic and foreign supervisory cooperation.

912 e. The office determines that allowing the international  
913 branch, international bank agency, international administrative  
914 office, or international representative office to remain open is  
915 in the public's interest and does not present an immediate or  
916 serious danger to the public health, safety, or welfare.

917 2. The commission may establish, by rule, additional  
918 standards and conditions for approval of an interim operational  
919 plan and for ongoing compliance with the plan. Such standards  
920 and conditions shall be based upon the need for cooperative  
921 supervisory efforts, consistent regulatory oversight, and the  
922 orderly administration of the international banking  
923 corporation's affairs.

924 3. After the resolution of all applicable events described  
925 in subparagraphs (a)2. and 3., if an international banking

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

926 corporation is no longer authorized by the foreign country in  
 927 which it is organized and licensed to conduct banking business,  
 928 the international branch, international bank agency,  
 929 international administrative office, or international  
 930 representative office shall surrender its license in accordance  
 931 with s. 663.06.

932 ~~(2) A certificate of the official who is responsible for~~  
 933 ~~records of banking corporations of the jurisdiction of~~  
 934 ~~incorporation of such international banking corporation,~~  
 935 ~~attesting to the occurrence of any such event, or a certified~~  
 936 ~~copy of an order or decree of a court of such jurisdiction,~~  
 937 ~~directing the dissolution of such international banking~~  
 938 ~~corporation, the termination of its existence, or the~~  
 939 ~~cancellation of its authority, or declaring its status in~~  
 940 ~~bankruptcy, conservatorship, receivership, liquidation, or~~  
 941 ~~similar proceedings, or other reliable documentation that the~~  
 942 ~~international banking corporation is operating under the direct~~  
 943 ~~control of its government or a regulatory or supervisory~~  
 944 ~~authority, shall be delivered by The international banking~~  
 945 ~~corporation or its surviving officers and directors~~ shall  
 946 deliver to the office:-

947 (a) A certificate of the official who is responsible for  
 948 records of banking corporations of the jurisdiction of  
 949 incorporation of such international banking corporation,  
 950 attesting to the occurrence of any event described in paragraph

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

951 (1) (a) ;  
 952 (b) A certified copy of an order or decree of a court of  
 953 such jurisdiction, directing the dissolution of such  
 954 international banking corporation, the termination of its  
 955 existence, or the cancellation of its authority or declaring its  
 956 status in bankruptcy, conservatorship, receivership,  
 957 liquidation, or similar proceedings; or  
 958 (c) Other reliable documentation evidencing that the  
 959 international banking corporation is operating under the direct  
 960 control of its government or a regulatory or supervisory  
 961 authority.  
 962 (3) The filing of the certificate, order, documentation,  
 963 or decree ~~has shall have~~ the same effect as the revocation of  
 964 the license of such international banking corporation as  
 965 provided in s. 663.06, unless the office has permitted the  
 966 international branch, international bank agency, international  
 967 administrative office, or international representative office to  
 968 remain open and in operation pursuant to paragraph (1) (b).  
 969 Section 18. Subsection (1) of section 663.12, Florida  
 970 Statutes, is amended to read:  
 971 663.12 Fees; assessments; fines.—  
 972 (1) Each application for a license under ~~the provisions of~~  
 973 this part must ~~shall~~ be accompanied by a nonrefundable filing  
 974 fee payable to the office in the following amount:  
 975 (a) Ten thousand dollars for establishing a state-

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

976 chartered investment company.

977 (b) Ten thousand dollars for establishing an international  
978 bank agency or branch.

979 (c) Five thousand dollars for establishing an  
980 international administrative office.

981 (d) Five thousand dollars for establishing an  
982 international representative office.

983 ~~(e) Five thousand dollars for establishing an~~  
984 ~~international trust company representative office.~~

985 (e)~~(f)~~ An amount equal to the initial filing fee for an  
986 application to convert from one type of license to another. The  
987 commission may increase the filing fee for any type of license  
988 to an amount established by rule and calculated in a manner so  
989 as to cover the direct and indirect cost of processing such  
990 applications.

991 Section 19. Subsection (11) of section 663.17, Florida  
992 Statutes, is amended to read:

993 663.17 Liquidation; possession of business and property;  
994 inventory of assets; wages; depositing collected assets;  
995 appointing agents; appointment of judges.—

996 (11) The compensation of agents and any other employees  
997 appointed by the office to assist in the liquidation of an  
998 international banking corporation, or any of the corporation's  
999 licensed offices located in this state, the distribution of its  
1000 assets, or the expenses of supervision, must ~~shall~~ be paid out

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

1001 of the assets of the corporation in the possession ~~hands~~ of the  
 1002 office. Expenses of liquidation and approved claims for fees and  
 1003 assessments due the office must ~~shall~~ be given first priority  
 1004 among unsecured creditors.

1005 Section 20. The Division of Law Revision and Information  
 1006 is directed to create part III of chapter 663, Florida Statutes,  
 1007 consisting of ss. 663.4001-663.416, Florida Statutes, to be  
 1008 entitled "International Trust Company Representative Offices."

1009 Section 21. Section 663.4001, Florida Statutes, is created  
 1010 to read:

1011 663.4001 Purpose.—The purpose of this part is to establish  
 1012 a legal and regulatory framework for the conduct by  
 1013 international trust entities of financial services business in  
 1014 this state. This part is intended to:

1015 (1) Support the Florida operations of international trust  
 1016 entities and promote the growth of international financial  
 1017 services to benefit the economy and consumers in this state.

1018 (2) Provide for appropriate supervision and regulatory  
 1019 oversight to ensure that financial services activities of  
 1020 international trust entities in this state are conducted  
 1021 responsibly and in a safe and sound manner.

1022 Section 22. Section 663.401, Florida Statutes, is created  
 1023 to read:

1024 663.401 Definitions.—

1025 (1) "Affiliate" means a person or business or a group of

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CS/CS/HB 435, Engrossed 1

2017 Legislature

1026 persons or businesses acting in concert which controls, is  
 1027 controlled by, or is under common control of an international  
 1028 trust entity.

1029 (2) "International trust company representative office"  
 1030 means an office of an international trust entity which is  
 1031 established or maintained in this state for the purpose of  
 1032 engaging in nonfiduciary activities described in s. 663.409, or  
 1033 any affiliate, subsidiary, or other person that engages in such  
 1034 activities on behalf of such international trust entity from an  
 1035 office located in this state.

1036 (3) "International trust entity" means an international  
 1037 trust company or organization, or any similar business entity,  
 1038 or an affiliated or subsidiary entity that is licensed,  
 1039 chartered, or similarly permitted to conduct trust business in a  
 1040 foreign country or countries under the laws where such entity is  
 1041 organized and supervised.

1042 Section 23. Section 663.402, Florida Statutes, is created  
 1043 to read:

1044 663.402 Applicability of the financial institutions  
 1045 codes.—

1046 (1) An international trust entity that operates an office  
 1047 licensed under this part is subject to all the financial  
 1048 institutions codes as though such international trust entity  
 1049 were a state trust company, except when it appears, from the  
 1050 context or otherwise, that such provisions are clearly

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

1051 applicable only to trust companies organized under the laws of  
 1052 this state or the United States. Without limiting the foregoing  
 1053 general provisions, it is the intent of the Legislature that the  
 1054 following provisions are applicable to such international trust  
 1055 entities having offices in this state: s. 655.031, relating to  
 1056 administrative enforcement guidelines; s. 655.032, relating to  
 1057 investigations, subpoenas, hearings, and witnesses; s. 655.0321,  
 1058 relating to restricted access hearings, proceedings, and related  
 1059 documents; s. 655.033, relating to cease and desist orders; s.  
 1060 655.037, relating to removal of a financial institution-related  
 1061 party by the office; s. 655.041, relating to administrative  
 1062 finances and enforcement; s. 655.50, the Florida Control of Money  
 1063 Laundering and Terrorist Financing in Financial Institutions  
 1064 Act; and any law for which the penalty is increased under s.  
 1065 775.31 for facilitating or furthering terrorism.

1066 (2) An international trust entity does not have any  
 1067 greater right under, or by virtue of, this section than is  
 1068 granted to trust companies organized under the laws of this  
 1069 state. Legal and financial terms used in this chapter are deemed  
 1070 to refer to equivalent terms used by the country in which the  
 1071 international trust entity is organized. This chapter and the  
 1072 financial institutions codes may not be construed to authorize  
 1073 any international trust entity to conduct trust business, as  
 1074 defined in s. 658.12, from an office in this state.

1075 Section 24. Section 663.403, Florida Statutes, is created

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CS/CS/HB 435, Engrossed 1

2017 Legislature

1076 to read:

1077 663.403 Applicability of the Florida Business Corporation  
 1078 Act.—Notwithstanding s. 607.01401(12), the provisions of part I  
 1079 of chapter 607 which are not in conflict with the financial  
 1080 institutions codes and which relate to foreign corporations  
 1081 apply to all international trust entities and their offices  
 1082 doing business in this state.

1083 Section 25. Section 663.404, Florida Statutes, is created  
 1084 to read:

1085 663.404 Requirements for conducting financial institution  
 1086 business.—An international trust entity, or any affiliated,  
 1087 subsidiary, or other person or business entity acting as an  
 1088 agent for, on behalf of, or for the benefit of such  
 1089 international trust entity, who engages in such activities from  
 1090 an office located in this state, may not transact a trust  
 1091 business, or maintain in this state any office for carrying on  
 1092 such business, or any part thereof, unless such international  
 1093 trust entity, affiliate, subsidiary, person, or business entity:

1094 (1) Has been authorized by charter, license, or similar  
 1095 authorization by operation of law to carry on trust business and  
 1096 has complied with the laws of each jurisdiction in which it is  
 1097 chartered, licensed, or otherwise authorized and created under  
 1098 operation of law.

1099 (2) Has furnished to the office such proof as to the  
 1100 nature and character of its business and as to its financial

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CS/CS/HB 435, Engrossed 1

2017 Legislature

1101 condition as the commission or office requires.

1102 (3) Has filed with the office a certified copy of that  
1103 information required to be supplied to the Department of State  
1104 by those provisions of part I of chapter 607 which are  
1105 applicable to foreign corporations.

1106 (4) Has received a license duly issued to it by the  
1107 office.

1108 (5) Has sufficient capital in accordance with the  
1109 requirements of s. 663.407 and the rules adopted thereunder and  
1110 is not imminently insolvent or insolvent, as those terms are  
1111 defined under s. 655.005(1).

1112 (6) (a) Is not in bankruptcy, conservatorship,  
1113 receivership, liquidation, or similar status under the laws of  
1114 any country.

1115 (b) Is not operating under the direct control of the  
1116 government or the regulatory or supervisory authority of the  
1117 home jurisdiction in which it has been chartered, licensed, or  
1118 otherwise authorized and created under operation of law, through  
1119 government intervention or any other extraordinary actions.

1120 (c) Has not been in such status or control at any time  
1121 within the 3 years preceding the date of application for a  
1122 license.

1123  
1124 Notwithstanding paragraphs (a) and (b), the office may permit an  
1125 international trust company representative office to remain open

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

1126 and in operation pursuant to s. 663.412(1)(b).

1127 Section 26. Section 663.405, Florida Statutes, is created  
1128 to read:

1129 663.405 Civil action subpoena enforcement.—

1130 (1) Notwithstanding s. 655.059, an international trust  
1131 company representative office established under this chapter is  
1132 not required to produce a book or record pertaining to a deposit  
1133 account, investment account, trust account, or loan of a  
1134 customer of the international trust entity's offices that are  
1135 located outside the United States or its territories in response  
1136 to a subpoena, if the book or record is maintained outside the  
1137 United States or its territories and is not in the possession,  
1138 custody, or control of the international trust entity's  
1139 representative office established in this state.

1140 (2) This section applies only to a subpoena issued  
1141 pursuant to the Florida Rules of Civil Procedure, the Federal  
1142 Rules of Civil Procedure, or other similar law or rule of civil  
1143 procedure in another state. This section does not apply to a  
1144 subpoena issued by or on behalf of a federal, state, or local  
1145 government law enforcement agency, administrative or regulatory  
1146 agency, legislative body, or grand jury and does not limit the  
1147 power of the office to access all books and records in the  
1148 exercise of the office's regulatory and supervisory powers under  
1149 the financial institutions codes.

1150 Section 27. Section 663.406, Florida Statutes, is created

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

1151 to read:

1152 663.406 Application for license; approval or disapproval.—

1153 (1) An international trust entity, before being licensed

1154 by the office to maintain any office in this state, must

1155 subscribe and acknowledge, and submit to the office, an

1156 application that contains all of the following:

1157 (a) The name of the international trust entity.

1158 (b) The proposed location, by street and post office

1159 address and county, where its business is to be transacted in

1160 this state, and the name of the person who will be in charge of

1161 the business and affairs of the office.

1162 (c) The location where its initial registered office will

1163 be located in this state.

1164 (d) The total amount of the capital accounts of the

1165 international trust entity.

1166 (e) A complete and detailed statement of its financial

1167 condition as of a date within 180 days before the date of such

1168 application, except that the office in its discretion may, when

1169 necessary or expedient, accept such statement of financial

1170 condition as of a date within 240 days before the date of such

1171 application. The office in its discretion may, when necessary or

1172 expedient, require an independent opinion audit or the

1173 equivalent satisfactory to the office.

1174 (f) A listing of any occasion within the 10-year period

1175 before the application on which either the international trust

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CS/CS/HB 435, Engrossed 1

2017 Legislature

1176 entity or any of its directors, executive officers, or principal  
 1177 shareholders have been arrested for, charged with, convicted of,  
 1178 or pled guilty or nolo contendere to, regardless of  
 1179 adjudication, any offense with respect to which the penalties  
 1180 include the possibility of imprisonment for 1 year or more, or  
 1181 to any offense involving money laundering, currency transaction  
 1182 reporting, facilitating or furthering terrorism, or fraud, or  
 1183 otherwise related to the operation of a financial institution.

1184 (2) The office shall disallow any illegally obtained  
 1185 currency, monetary instruments, funds, or other financial  
 1186 resources from the capitalization requirements of this section,  
 1187 and the existence of such illegally obtained resources is  
 1188 grounds for denial of the application for license.

1189 (3) An international trust entity that submits an  
 1190 application to the office shall concurrently submit a  
 1191 certificate issued by the supervisory authority of the country  
 1192 in which the international trust entity is chartered or  
 1193 organized which states that the international trust entity is  
 1194 duly organized and licensed, or otherwise authorized by  
 1195 operation of law to transact business as a trust entity, and  
 1196 lawfully existing in good standing.

1197 (4) An international trust entity that has operated an  
 1198 international trust company representative office in this state  
 1199 for at least 3 years in a safe and sound manner, as defined by  
 1200 commission rule, and that is otherwise eligible to establish an

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CS/CS/HB 435, Engrossed 1

2017 Legislature

1201 additional office may establish one or more international trust  
1202 company representative offices by providing an abbreviated  
1203 application, and paying the appropriate license fee pursuant to  
1204 s. 663.413.

1205 (5) An application filed pursuant to this section must be  
1206 made on a form prescribed by the commission and must contain  
1207 such information as the commission or office requires.

1208 (6) The office may, in its discretion, approve or  
1209 disapprove the application, but it may not approve the  
1210 application unless, in its opinion, the applicant meets each and  
1211 every requirement of this part and any other applicable  
1212 provision of the financial institutions codes. The office may  
1213 approve the application only if it has determined that the  
1214 directors, executive officers, and principal shareholders of the  
1215 international trust entity are qualified by reason of their  
1216 financial ability, reputation, and integrity and have sufficient  
1217 trust company and other business experience to indicate that  
1218 they will manage and direct the affairs of the international  
1219 trust entity in a safe, sound, and lawful manner. In the  
1220 processing of any application filed pursuant to this section,  
1221 the time limitations under the Administrative Procedure Act do  
1222 not apply as to approval or disapproval of the application. For  
1223 applications filed on or after January 1, 2018, the time  
1224 limitations for approval or disapproval of an application must  
1225 be prescribed by rule of the commission.

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

1226       (7) The office may not issue a license to an international  
 1227 trust entity unless it is chartered, licensed, or similarly  
 1228 authorized by operation of law in a jurisdiction in which any  
 1229 financial institution licensed or chartered by any state or  
 1230 federal regulatory agency in the United States may establish  
 1231 similar facilities or exercise similar powers.

1232       (8) The office may not issue a license to an international  
 1233 trust entity for the purpose of operating an international trust  
 1234 company representative office in this state unless the trust  
 1235 entity:

1236       (a) Holds an unrestricted license to conduct trust  
 1237 business in the foreign country under whose laws it is organized  
 1238 and chartered;

1239       (b) Has been authorized by the foreign country's  
 1240 appropriate regulatory authority to establish the proposed  
 1241 international trust company representative office; and

1242       (c) Is adequately supervised by the appropriate regulatory  
 1243 agency in the foreign country in which it is organized and  
 1244 chartered.

1245       (9) The commission shall establish, by rule, the general  
 1246 principles that determine the adequacy of supervision of an  
 1247 international trust entity's foreign establishments. These  
 1248 principles must be based upon the need for cooperative  
 1249 supervisory efforts and consistent regulatory guidelines and  
 1250 must address, at a minimum, the capital adequacy, asset quality,

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CS/CS/HB 435, Engrossed 1

2017 Legislature

1251 management, earnings, liquidity, internal controls, audits, and  
1252 foreign exchange operations and positions of the international  
1253 trust entity. This subsection does not require examination by  
1254 the home-country regulatory authorities of any office of an  
1255 international trust entity in this state. The commission may  
1256 also establish, by rule, other standards for approval of an  
1257 application for a license as considered necessary to ensure the  
1258 safe and sound operations of the international trust entity in  
1259 this state.

1260 Section 28. Section 663.407, Florida Statutes, is created  
1261 to read:

1262 663.407 Capital requirements.—

1263 (1) For an international trust entity to qualify for a  
1264 license under this part, the proposed capitalization of the  
1265 international trust entity must be in such amount as the office  
1266 determines is necessary, taking into consideration the risk  
1267 profile of the international trust entity and the ability of the  
1268 international trust entity to operate a licensed office in a  
1269 safe and sound manner. In making this determination, the office  
1270 shall consider the financial resources of the international  
1271 trust entity, including:

1272 (a) The international trust entity's current and projected  
1273 capital position, profitability, level of indebtedness, business  
1274 and strategic plans, and off-balance sheet asset management and  
1275 administration activities;

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

1276        (b) The financial condition of any of the international  
 1277 trust entity's existing offices located in the United States;  
 1278        (c) The minimum capital requirements of the international  
 1279 trust entity's home-country jurisdiction; and  
 1280        (d) The capital ratio standards used in the United States  
 1281 and in the international trust entity's home-country  
 1282 jurisdiction.  
 1283        (2) The proposed capitalization of the international trust  
 1284 entity must be in such amount as the office deems adequate, but  
 1285 in no case may the total capital accounts of the international  
 1286 trust entity be less than \$1 million.  
 1287        (3) The office may specify such other conditions as it  
 1288 determines are appropriate, considering the public interest and  
 1289 the need to maintain a safe, sound, and competitive financial  
 1290 marketplace in this state.  
 1291        (4) For purposes of this part, the capital accounts of and  
 1292 capital ratio standards for an international trust entity must  
 1293 be determined in accordance with rules adopted by the  
 1294 commission. In adopting such rules, the commission shall  
 1295 consider similar rules adopted by regulatory agencies in the  
 1296 United States and the need to provide reasonably consistent  
 1297 regulatory requirements for international trust entities doing  
 1298 business in this state, as well as capital adequacy standards of  
 1299 an international trust entity's home-country jurisdiction.  
 1300        Section 29. Section 663.408, Florida Statutes, is created

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

1301 to read:

1302 663.408 Licenses; permissible activities of licensees.—

1303 (1) (a) An international trust entity licensed to operate  
 1304 an office in this state may engage in the business authorized by  
 1305 this part at the office specified in such license for an  
 1306 indefinite period.

1307 (b) An international trust entity may operate more than  
 1308 one licensed office, each at a different place of business,  
 1309 provided that each office is separately licensed.

1310 (c) A license is not transferable or assignable. However,  
 1311 the location of a licensed office may be changed after  
 1312 notification to the office.

1313 (d) A license must at all times be conspicuously displayed  
 1314 in the place of business specified therein.

1315 (2) An international trust entity that proposes to  
 1316 terminate the operations of a licensed office in this state must  
 1317 surrender its license to the office and comply with such  
 1318 procedures as the commission may prescribe by rule.

1319 (3) The license for an international trust company  
 1320 representative office in this state may be suspended or revoked  
 1321 by the office, with or without examination, upon its  
 1322 determination that the international trust entity or the  
 1323 licensed office does not meet all requirements for original  
 1324 licensing. Additionally, the office shall revoke the license of  
 1325 any licensed office that the office determines has been inactive

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CS/CS/HB 435, Engrossed 1

2017 Legislature

1326 for 6 months or longer. The commission may by rule prescribe  
 1327 additional conditions or standards under which the license of an  
 1328 international trust company representative office may be  
 1329 suspended or revoked.

1330 (4) If any such license is surrendered by the  
 1331 international trust entity or is suspended or revoked by the  
 1332 office, all rights and privileges of the international trust  
 1333 entity to transact the business under the license cease. The  
 1334 commission shall prescribe by rule procedures for the surrender  
 1335 of a license and for the orderly cessation of business by an  
 1336 international trust entity in a manner that is not harmful to  
 1337 the interests of its customers or of the public.

1338 Section 30. Section 663.4081, Florida Statutes, is created  
 1339 to read:

1340 663.4081 After-the-fact licensure process in the event of  
 1341 the acquisition, merger, or consolidation of international trust  
 1342 entities.—If an international trust entity proposes to acquire,  
 1343 merge, or consolidate with an international trust entity that  
 1344 presently operates an international trust company representative  
 1345 office licensed in this state, the office may allow the  
 1346 currently licensed international trust company representative  
 1347 office to remain open and in operation after consummation of the  
 1348 proposed acquisition, merger, or consolidation, subject to the  
 1349 filing with the office of an after-the-fact license application  
 1350 in accordance with all of the following conditions:

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CS/CS/HB 435, Engrossed 1

2017 Legislature

1351 (1) The international trust entity or entities resulting  
 1352 from the acquisition, merger, or consolidation will not directly  
 1353 or indirectly own or control more than 5 percent of any class of  
 1354 the voting securities of, or control, a United States bank.

1355 (2) Before consummation of the acquisition, merger, or  
 1356 consolidation, the international trust entity currently licensed  
 1357 to operate an international trust company representative office  
 1358 in this state must provide the office at least 30 days' advance  
 1359 written notice, as prescribed by rules adopted by the  
 1360 commission, of the proposed acquisition, merger, or  
 1361 consolidation.

1362 (3) Before consummation of the acquisition, merger, or  
 1363 consolidation, each international trust entity commits in  
 1364 writing that it will:

1365 (a) Comply with the conditions in subsections (1) and (2)  
 1366 and file an after-the-fact application for a license under s.  
 1367 663.406(1) within 60 days after consummation of the proposed  
 1368 acquisition, merger, or consolidation; and refrain from engaging  
 1369 in new lines of business and from otherwise expanding the  
 1370 activities of such establishment in this state until the  
 1371 disposition of the after-the-fact license application, in  
 1372 accordance with chapter 120; or

1373 (b) Promptly wind down and close any international trust  
 1374 company representative office in this state if the international  
 1375 trust entities that are party to the acquisition, merger, or

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CS/CS/HB 435, Engrossed 1

2017 Legislature

1376 consolidation elect not to file an application for a license in  
 1377 accordance with paragraph (a); and, before such wind-down and  
 1378 closure, refrain from engaging in new lines of business or  
 1379 otherwise expanding the activities of such establishment in this  
 1380 state.

1381 Section 31. Section 663.0625, Florida Statutes, is  
 1382 transferred, renumbered as section 663.409, Florida Statutes,  
 1383 and amended to read:

1384 663.409 ~~663.0625~~ International trust company  
 1385 representative offices; permissible activities; requirements.—

1386 (1) An international trust company representative office  
 1387 may conduct any nonfiduciary activities that are ancillary to  
 1388 the fiduciary business of its international trust entity ~~banking~~  
 1389 ~~corporation or trust company~~, but may not act as a fiduciary.  
 1390 Permissible activities include advertising, marketing, and  
 1391 soliciting for fiduciary business on behalf of an international  
 1392 trust entity ~~banking corporation or trust company~~; contacting  
 1393 existing or potential customers, answering questions, and  
 1394 providing information about matters related to their accounts;  
 1395 serving as a liaison in this state between the international  
 1396 trust entity ~~banking corporation or trust company~~ and its  
 1397 existing or potential customers; and engaging in any other  
 1398 activities approved by the office or under rules of the  
 1399 commission.

1400 (2) Representatives and employees at such office may not

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CS/CS/HB 435, Engrossed 1

2017 Legislature

1401 act as a fiduciary, including, but not limited to, accepting the  
 1402 fiduciary appointment, executing the fiduciary documents that  
 1403 create the fiduciary relationship, ~~or~~ making discretionary  
 1404 decisions regarding the investment or distribution of fiduciary  
 1405 accounts, or accepting custody of any trust property or any  
 1406 other good, asset, or thing of value on behalf of the affiliated  
 1407 international trust entity, its subsidiaries or affiliates, or  
 1408 subsidiaries and affiliates of the international trust company  
 1409 representative office.

1410 (3) An international trust company representative office  
 1411 licensed by the office may engage in any activities permissible  
 1412 for a qualified limited service affiliate under part IV of this  
 1413 chapter.

1414 Section 32. Section 663.410, Florida Statutes, is created  
 1415 to read:

1416 663.410 Certification of capital accounts.—Before opening  
 1417 an office in this state, and annually thereafter so long as an  
 1418 international trust company representative office is maintained  
 1419 in this state, an international trust entity licensed pursuant  
 1420 to this part must certify to the office the amount of its  
 1421 capital accounts, expressed in the currency of the home  
 1422 jurisdiction where it has been authorized by charter, license,  
 1423 or similar authorization by operation of law to carry on trust  
 1424 business. The dollar equivalent of these amounts, as determined  
 1425 by the office, is deemed to be the amount of its capital

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CS/CS/HB 435, Engrossed 1

2017 Legislature

1426 accounts. The annual certification of capital accounts must be  
 1427 received by the office on or before June 30 of each year.

1428 Section 33. Section 663.411, Florida Statutes, is created  
 1429 to read:

1430 663.411 Reports; records.—

1431 (1) An international trust entity that operates an office  
 1432 licensed under this part shall, at such times and in such form  
 1433 as the commission prescribes, make written reports in the  
 1434 English language to the office, under the oath of one of its  
 1435 officers, managers, or agents transacting business in this  
 1436 state, showing the amount of its assets and liabilities and  
 1437 containing such other matters as the commission or office  
 1438 requires. An international trust entity that maintains two or  
 1439 more representative offices may consolidate such information in  
 1440 one report unless the office requires otherwise for purposes of  
 1441 its supervision of the condition and operations of each such  
 1442 office. The late filing of such reports is subject to an  
 1443 administrative fine as prescribed under s. 655.045(2). If the  
 1444 international trust entity fails to make such report as directed  
 1445 by the office or if such report contains a false statement  
 1446 knowingly made, the same are grounds for revocation of the  
 1447 license of the international trust entity.

1448 (2) An international trust entity that operates an office  
 1449 licensed under this part shall cause to be kept, at a location  
 1450 accepted by the office:

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CS/CS/HB 435, Engrossed 1

2017 Legislature

1451 (a) Correct and complete books and records of account of  
1452 the business operations transacted by such office. All policies  
1453 and procedures relating specifically to the operations of such  
1454 office, as well as any existing general ledger or subsidiary  
1455 accounts, must be maintained in the English language; however,  
1456 any policies and procedures of the international trust entity  
1457 which are not specific to the operations of such office may be  
1458 maintained in a language other than English.

1459 (b) Current copies of the charter or statement of  
1460 operation and bylaws of the international trust entity, relative  
1461 to the operations of the international trust company  
1462 representative office, and minutes of the proceedings of its  
1463 directors, officers, or committees relative to the business of  
1464 the international trust company representative office. Such  
1465 records may be maintained in a language other than English and  
1466 must be kept pursuant to s. 655.91 and be made available to the  
1467 office, upon request, at any time during regular business hours  
1468 of the international trust company representative office.

1469 (3) Any failure to keep such records as required in  
1470 subsection (2) or any refusal to produce such records upon  
1471 request by the office is grounds for suspension or revocation of  
1472 any license issued under this part.

1473 (4) The office may require at any time that any document  
1474 not written in the English language which the office deems  
1475 necessary for the purposes of its regulatory and supervisory

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CS/CS/HB 435, Engrossed 1

2017 Legislature

1476 functions be translated into English at the expense of the  
 1477 international trust entity.

1478 Section 34. Section 663.412, Florida Statutes, is created  
 1479 to read:

1480 663.412 Termination of international trust entity's  
 1481 charter or authority.-

1482 (1)(a) An international trust entity that is licensed to  
 1483 maintain an office in this state may not continue to conduct its  
 1484 licensed business in this state if the international trust  
 1485 entity:

1486 1. Is dissolved, or its authority or existence is  
 1487 otherwise terminated or canceled in the home jurisdiction where  
 1488 it has been authorized by charter, license, or similar  
 1489 authorization by operation of law to carry on trust business;

1490 2. Is in bankruptcy, conservatorship, receivership,  
 1491 liquidation, or similar status under the laws of any country; or

1492 3. Is operating under the direct control of the government  
 1493 or the regulatory or supervisory authority of the jurisdiction  
 1494 where it has been authorized by charter, license, or similar  
 1495 authorization by operation of law to carry on trust business  
 1496 through government intervention or any other extraordinary  
 1497 actions.

1498 (b)1. Notwithstanding subparagraphs (a)2. and 3., the  
 1499 office may permit an international trust company representative  
 1500 office to remain open and in operation under the following

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

1501 conditions:

1502 a. Within 30 days after the occurrence of an event

1503 described in subparagraph (a)2. or subparagraph (a)3., the

1504 international trust company representative office provides the

1505 office with a plan to wind down its affairs and business within

1506 the subsequent 90 days or provides an interim operational plan

1507 outlining parameters for its continued operation. If the office

1508 finds that such interim operational plan does not allow for the

1509 conduct of business in a safe and sound manner, the office shall

1510 revoke the license.

1511 b. The international trust entity is authorized by the

1512 foreign country in which it is organized and licensed to address

1513 the affairs of any international trust company representative

1514 office in this state.

1515 c. The international trust company representative office

1516 does not engage in any new lines of business or otherwise expand

1517 its activities in this state.

1518 d. The office determines that allowing the international

1519 trust company representative office to remain open furthers

1520 domestic and foreign supervisory cooperation.

1521 e. The office determines that allowing the international

1522 trust company representative office to remain open is in the

1523 public's interest and does not present an immediate or serious

1524 danger to the public health, safety, or welfare.

1525 2. The commission may establish, by rule, additional

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

1526 standards and conditions for approval of an interim operational  
 1527 plan and for ongoing compliance with the plan. Such standards  
 1528 and conditions shall be based upon the need for cooperative  
 1529 supervisory efforts, consistent regulatory oversight, and the  
 1530 orderly administration of the international trust entity's  
 1531 affairs.

1532 3. After the resolution of all applicable events described  
 1533 in subparagraphs (a)2. and 3., if an international trust entity  
 1534 is no longer authorized by the foreign country in which it is  
 1535 organized and supervised to conduct trust business, the  
 1536 international trust company representative office shall  
 1537 surrender its license in accordance with s. 663.408.

1538 (2) The international trust entity or its surviving  
 1539 officers and directors shall deliver to the office:

1540 (a) A certificate of the official who is responsible for  
 1541 records of trust entities in the jurisdiction where the  
 1542 international trust entity has been authorized by charter,  
 1543 license, or similar authorization by operation of law to carry  
 1544 on trust business of the international trust entity, attesting  
 1545 to the occurrence of any event described in paragraph (1) (a);

1546 (b) A certified copy of an order or decree of a court of  
 1547 such jurisdiction, directing the dissolution of such  
 1548 international trust entity, the termination of its existence, or  
 1549 the cancellation of its authority, or declaring its status in  
 1550 bankruptcy, conservatorship, receivership, liquidation, or

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

1551 similar proceedings; or  
 1552 (c) Other reliable documentation evidencing that the  
 1553 international trust entity is operating under the direct control  
 1554 of its government or a regulatory or supervisory authority.

1555 (3) The filing of the certificate, order, documentation,  
 1556 or decree has the same effect as the revocation of the license  
 1557 of such international trust entity as provided in s. 663.408,  
 1558 unless the office has permitted the international trust company  
 1559 representative office to remain open and in operation pursuant  
 1560 to paragraph (1) (b).

1561 Section 35. Section 663.413, Florida Statutes, is created  
 1562 to read:

1563 663.413 Application and examination fees.-

1564 (1) An application for a license to establish an  
 1565 international trust company representative office under this  
 1566 part must be accompanied by a nonrefundable \$5,000 filing fee,  
 1567 payable to the office.

1568 (2) An international trust entity that maintains an office  
 1569 licensed under this part must pay to the office examination fees  
 1570 that are determined by the commission by rule and that are  
 1571 calculated in a manner so as to be equal to the actual cost of  
 1572 each examiner's participation in the examination, as measured by  
 1573 the examiner's pay scale, plus any other expenses directly  
 1574 incurred in the examination. However, the examination fees may  
 1575 not be less than \$200 per day for each examiner participating in

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CS/CS/HB 435, Engrossed 1

2017 Legislature

1576 | the examination.

1577 |       Section 36. Section 663.414, Florida Statutes, is created  
1578 | to read:

1579 |       663.414 Rules; exemption from statement of estimated  
1580 | regulatory costs requirements.—In addition to any other  
1581 | rulemaking authority it has under the financial institutions  
1582 | codes, the commission may adopt reasonable rules that it deems  
1583 | advisable for the administration of international trust entities  
1584 | under this part in the interest of protecting depositors,  
1585 | creditors, borrowers, or the public interest and in the interest  
1586 | of maintaining a sound banking and trust system in this state.  
1587 | Because of the difficulty in obtaining economic data with regard  
1588 | to such trusts, ss. 120.54(3)(b) and 120.541 do not apply to the  
1589 | adoption of rules pursuant to this section.

1590 |       Section 37. Section 663.415, Florida Statutes, is created  
1591 | to read:

1592 |       663.415 Travel expenses.—If domestic or foreign travel is  
1593 | deemed necessary by the office to effectuate the purposes of  
1594 | this part, the office must be reimbursed for actual, reasonable,  
1595 | and necessary expenses incurred in such domestic or foreign  
1596 | travel by the international trust company representative office  
1597 | under examination.

1598 |       Section 38. The Division of Law Revision and Information  
1599 | is directed to create part IV of chapter 663, Florida Statutes,  
1600 | consisting of ss. 663.530-663.540, Florida Statutes, to be

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

1601 entitled "Qualified Limited Service Affiliates of International  
1602 Trust Entities."

1603 Section 39. Section 663.530, Florida Statutes, is created  
1604 to read:

1605 663.530 Definitions.—

1606 (1) As used in ss. 663.531-663.539, the term:

1607 (a) "Foreign country" means a country other than the  
1608 United States and includes any colony, dependency, or possession  
1609 of such country notwithstanding any definitions in chapter 658,  
1610 and any territory of the United States, including Guam, American  
1611 Samoa, the Virgin Islands, and the Commonwealth of Puerto Rico.

1612 (b) "Home-country regulator" means the supervisory  
1613 authority or equivalent or other similarly sanctioned body,  
1614 organization, governmental entity, or recognized authority,  
1615 which has similar responsibilities in a foreign country in which  
1616 and by whom an international trust entity is licensed,  
1617 chartered, or has similar authorization to organize and operate.

1618 (c) "International trust entity" means an international  
1619 trust company or organization, or any similar business entity,  
1620 or an affiliated or subsidiary entity that is licensed,  
1621 chartered, or similarly permitted to conduct trust business in a  
1622 foreign country or countries under the laws where such entity is  
1623 organized and supervised.

1624 (d) "Nonresident" has the same meaning as in s. 663.01.

1625 (e) "Professional" means an accountant, attorney, or other

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CS/CS/HB 435, Engrossed 1

2017 Legislature

1626 financial services and wealth planning professional who is  
1627 licensed by a governing body or affiliated with a licensed,  
1628 chartered, or similarly authorized entity.

1629 (f) "Qualified limited service affiliate" means a person  
1630 or entity that is qualified under this part to perform the  
1631 permissible activities outlined in s. 663.531 related to or for  
1632 the benefit of an affiliated international trust entity.

1633 (2) As used in ss. 663.531-663.539, the terms "affiliate,"  
1634 "commission," "executive officer," "financial institution,"  
1635 "financial institution-affiliated party," "financial  
1636 institutions codes," "office," "officer," "state," and  
1637 "subsidiary" have the same meaning as provided in s. 655.005.

1638 Section 40. Section 663.531, Florida Statutes, is created  
1639 to read:

1640 663.531 Permissible activities; prohibited activities.—

1641 (1) Qualification as a qualified limited service affiliate  
1642 under this part does not provide any exemption from licensure,  
1643 registration, application, and requirements to conduct licensed  
1644 business activities in this state. A qualified limited service  
1645 affiliate may engage in any of the following permissible  
1646 activities, which are not meant to be restrictive unless an  
1647 activity is prohibited under subsection (2):

1648 (a) Marketing and liaison services related to or for the  
1649 benefit of the affiliated international trust entities, directed  
1650 exclusively at professionals and current or prospective

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

1651 nonresident clients of an affiliated international trust entity;  
1652 (b) Advertising and marketing at trade, industry, or  
1653 professional events;  
1654 (c) Transmission of documents between the international  
1655 trust entity and its current or prospective clients or a  
1656 designee of such clients; and  
1657 (d) Transmission of information about the trust or trust  
1658 holdings of current clients between current clients or their  
1659 designees and the international trust entity.  
1660 (2) A qualified limited service affiliate may not engage  
1661 in any of the following activities:  
1662 (a) Advertising and marketing related to or for the  
1663 benefit of the international trust entity which are directed to  
1664 the general public;  
1665 (b) Acting as a fiduciary, including, but not limited to,  
1666 accepting the fiduciary appointment, executing the fiduciary  
1667 documents that create the fiduciary relationship, or making  
1668 discretionary decisions regarding the investment or distribution  
1669 of fiduciary accounts;  
1670 (c) Accepting custody of any trust property or any other  
1671 good, asset, or thing of value on behalf of the affiliated  
1672 international trust entity, its subsidiaries or affiliates, or  
1673 subsidiaries and affiliates of the qualified limited service  
1674 affiliate;  
1675 (d) Soliciting business within this state from the general

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

1676 public related to or for the benefit of an affiliated  
 1677 international trust entity;

1678 (e) Adding a director, an executive officer, a principal  
 1679 shareholder, a manager, a managing member, or an equivalent  
 1680 position to the qualified limited service affiliate without  
 1681 prior written notification to the office;

1682 (f) Commencing services for an international trust entity  
 1683 without complying with the requirements of s. 663.532;

1684 (g) Providing services for any international trust entity  
 1685 that is in bankruptcy, conservatorship, receivership,  
 1686 liquidation, or a similar status under the laws of any country;  
 1687 or

1688 (h) Otherwise conducting banking or trust business.

1689 (3) The provisions of subsection (2) are not deemed to  
 1690 prevent the qualified limited service affiliate's use of an  
 1691 international trust entity's website, or its own website, if the  
 1692 posted information or communication includes the following:

1693 (a) The following statement: "Certain described services  
 1694 are not offered to the general public in Florida, but are  
 1695 marketed by ... (insert name of qualified limited service  
 1696 affiliate)... exclusively to professionals and current or  
 1697 prospective non-U.S. resident clients of the affiliated  
 1698 international trust entity or entities."

1699 (b) The notice required by s. 663.535.

1700 (4) In addition to any other power conferred upon it to

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CS/CS/HB 435, Engrossed 1

2017 Legislature

1701 enforce and administer this chapter and the financial  
 1702 institutions codes, the office may impose any remedy or penalty  
 1703 pursuant to s. 655.033, relating to cease and desist orders; s.  
 1704 655.034, relating to injunctions; s. 655.037, relating to  
 1705 removal of a financial institution-affiliated party by the  
 1706 office; or s. 655.041, relating to administrative fines and  
 1707 enforcement, if a qualified limited service affiliate engages in  
 1708 any of the impermissible activities in subsection (2).

1709 Section 41. Effective upon this act becoming a law,  
 1710 section 663.532, Florida Statutes, is created to read:

1711 663.532 Qualification.—No later than March 31, 2018, a  
 1712 person or entity that previously qualified under the moratorium  
 1713 in s. 663.041 must seek qualification as a qualified limited  
 1714 service affiliate or cease doing business in this state.  
 1715 Notwithstanding the expiration of the moratorium under s.  
 1716 663.041, a person or entity that previously qualified under such  
 1717 moratorium may remain open and in operation but shall refrain  
 1718 from engaging in new lines of business in this state until  
 1719 qualified as a qualified limited service affiliate under this  
 1720 part.

1721 Section 42. Section 663.532, Florida Statutes, as created  
 1722 by this act, is amended to read:

1723 663.532 Qualification.—

1724 (1) To qualify as a qualified limited service affiliate  
 1725 under this part, a proposed qualified limited service affiliate

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CS/CS/HB 435, Engrossed 1

2017 Legislature

1726 must file a written notice with the office, in the manner and on  
1727 a form prescribed by the commission. Such written notice must  
1728 include:

1729 (a) The name under which the proposed qualified limited  
1730 service affiliate will conduct business in this state.

1731 (b) A copy of the articles of incorporation or articles of  
1732 organization, or the equivalent, of the proposed qualified  
1733 limited service affiliate.

1734 (c) The physical address where the proposed qualified  
1735 limited service affiliate will conduct business.

1736 (d) The mailing address of the proposed qualified limited  
1737 service affiliate.

1738 (e) The name and biographical information of each  
1739 director, executive officer, manager, managing member, or  
1740 equivalent position of the proposed qualified limited service  
1741 affiliate, to be submitted on a form prescribed by the  
1742 commission.

1743 (f) The number of officers and employees of the proposed  
1744 qualified limited service affiliate.

1745 (g) A detailed list and description of the activities to  
1746 be conducted by the proposed qualified limited service  
1747 affiliate. The detailed list and description must include:

1748 1. The services and activities of the proposed qualified  
1749 limited service affiliate;

1750 2. An explanation of how the services and activities of

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CS/CS/HB 435, Engrossed 1

2017 Legislature

1751 the proposed qualified limited service affiliate serve the  
1752 business purpose of each international trust entity; and

1753 3. An explanation of how the services and activities of  
1754 the proposed qualified limited service affiliate are  
1755 distinguishable from those of the permissible activities of an  
1756 international trust company representative office described  
1757 under s. 663.409.

1758 (h) Disclosure of any instance occurring within the prior  
1759 10 years when the proposed qualified limited service affiliate's  
1760 director, executive officer, principal shareholder, manager,  
1761 managing member, or equivalent position was:

1762 1. Arrested for, charged with, or convicted of, or who  
1763 pled guilty or nolo contendere to, regardless of adjudication,  
1764 any offense that is punishable by imprisonment for a term  
1765 exceeding 1 year, or to any offense that involves money  
1766 laundering, currency transaction reporting, tax evasion,  
1767 facilitating or furthering terrorism, fraud, theft, larceny,  
1768 embezzlement, fraudulent conversion, misappropriation of  
1769 property, dishonesty, breach of trust, breach of fiduciary duty,  
1770 or moral turpitude, or that is otherwise related to the  
1771 operation of a financial institution;

1772 2. Fined or sanctioned as a result of a complaint to the  
1773 office or any other state or federal regulatory agency; or

1774 3. Ordered to pay a fine or penalty in a proceeding  
1775 initiated by a federal, state, foreign, or local law enforcement

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

1776 agency or an international agency related to money laundering,  
1777 currency transaction reporting, tax evasion, facilitating or  
1778 furthering terrorism, fraud, theft, larceny, embezzlement,  
1779 fraudulent conversion, misappropriation of property, dishonesty,  
1780 breach of trust, breach of fiduciary duty, or moral turpitude,  
1781 or that is otherwise related to the operation of a financial  
1782 institution.

1783 (i) A declaration under penalty of perjury signed by the  
1784 executive officer, manager, or managing member of the proposed  
1785 qualified limited service affiliate that, to the best of his or  
1786 her knowledge:

1787 1. No employee, representative, or agent provides, or will  
1788 provide, banking services; promotes or sells, or will promote or  
1789 sell, investments; or accepts, or will accept, custody of  
1790 assets.

1791 2. No employee, representative, or agent acts, or will  
1792 act, as a fiduciary in this state, which includes, but is not  
1793 limited to, accepting the fiduciary appointment, executing the  
1794 fiduciary documents that create the fiduciary relationship, or  
1795 making discretionary decisions regarding the investment or  
1796 distribution of fiduciary accounts.

1797 3. The jurisdiction of the international trust entity or  
1798 its offices, subsidiaries, or any affiliates that are directly  
1799 involved in or facilitate the financial services functions,  
1800 banking, or fiduciary activities of the international trust

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

1801 entity is not listed on the Financial Action Task Force Public  
1802 Statement or on its list of jurisdictions with deficiencies in  
1803 anti-money laundering or counterterrorism.

1804 (j) For each international trust entity that the proposed  
1805 qualified limited service affiliate will provide services for in  
1806 this state, the following:

1807 1. The name of the international trust entity;

1808 2. A list of the current officers and directors of the  
1809 international trust entity;

1810 3. Any country where the international trust entity is  
1811 organized or authorized to do business;

1812 4. The name of the home-country regulator;

1813 5. Proof that the international trust entity has been  
1814 authorized by charter, license, or similar authorization by its  
1815 home-country regulator to engage in trust business;

1816 6. Proof that the international trust entity lawfully  
1817 exists and is in good standing under the laws of the  
1818 jurisdiction where it is chartered, licensed, or organized;

1819 7. A statement that the international trust entity is not  
1820 in bankruptcy, conservatorship, receivership, liquidation, or in  
1821 a similar status under the laws of any country;

1822 8. Proof that the international trust entity is not  
1823 operating under the direct control of the government or the  
1824 regulatory or supervisory authority of the jurisdiction of its  
1825 incorporation, through government intervention or any other

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CS/CS/HB 435, Engrossed 1

2017 Legislature

1826 extraordinary actions, and confirmation that it has not been in  
 1827 such a status or under such control at any time within the prior  
 1828 3 years;

1829 9. Proof and confirmation that the proposed qualified  
 1830 limited service affiliate is affiliated with the international  
 1831 trust entities provided in the notice; and

1832 10. Proof that the jurisdictions where the international  
 1833 trust entity or its offices, subsidiaries, or any affiliates  
 1834 that are directly involved in or that facilitate the financial  
 1835 services functions, banking, or fiduciary activities of the  
 1836 international trust entity are not listed on the Financial  
 1837 Action Task Force Public Statement or on its list of  
 1838 jurisdictions with deficiencies in anti-money laundering or  
 1839 counterterrorism.

1840 (k) A declaration under penalty of perjury, signed by an  
 1841 executive officer, manager, or managing member of each  
 1842 affiliated international trust entity, declaring that the  
 1843 information provided to the office is true and correct to the  
 1844 best of his or her knowledge.

1845  
 1846 The proposed qualified limited service affiliate may provide  
 1847 additional information in the form of exhibits when attempting  
 1848 to satisfy any of the qualification requirements. All  
 1849 information that the proposed qualified limited service  
 1850 affiliate desires to present to support the written notice must

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

1851 | be submitted with the notice.

1852 |       (2) The office may request additional information as the  
1853 | office reasonably requires. Any request for additional  
1854 | information must be made by the office within 30 days after  
1855 | initial receipt of the written notice. Additional information  
1856 | must be submitted within 60 days after a request has been made  
1857 | by the office. Failure to respond to such request within 60 days  
1858 | after the date of the request is a ground for denial of the  
1859 | qualification. A notice is not deemed complete until all  
1860 | requested information has been submitted to the office. Upon  
1861 | deeming the notice complete, the office has 120 days to qualify  
1862 | the proposed qualified limited service affiliate or issue a  
1863 | denial. An order denying a qualification must contain notice of  
1864 | opportunity for a hearing pursuant to ss. 120.569 and 120.57.

1865 |       (3) A qualification under this part must be summarily  
1866 | suspended by the office if the qualified limited service  
1867 | affiliate made a material false statement in the written notice.  
1868 | The summary suspension must remain in effect until a final order  
1869 | is entered by the office. For purposes of s. 120.60(6), a  
1870 | material false statement made in the qualified limited service  
1871 | affiliate's written notice constitutes an immediate and serious  
1872 | danger to the public health, safety, and welfare. If a qualified  
1873 | limited service affiliate made a material false statement in the  
1874 | written notice, the office must enter a final order revoking the  
1875 | qualification and may issue a fine as prescribed by s. 655.041

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

1876 | or issue an order of suspension, removal, or prohibition under  
 1877 | s. 655.037 to a financial institution-affiliated party of the  
 1878 | qualified limited service affiliate.

1879 |       (4) Upon the filing of a completed qualification notice  
 1880 | under this section, the office shall make an investigation of  
 1881 | the character, reputation, business experience, and business  
 1882 | qualifications of the proposed qualified limited service  
 1883 | affiliate's proposed directors, executive officers, principal  
 1884 | shareholder, managers, managing members, or equivalent  
 1885 | positions. The office shall approve the qualification only if it  
 1886 | has determined that such persons are qualified by reason of  
 1887 | their ability, reputation, and integrity and have sufficient  
 1888 | experience to manage and direct the affairs of the qualified  
 1889 | limited service affiliate in a lawful manner and in accordance  
 1890 | with the requirements for obtaining and maintaining a  
 1891 | qualification under this part. When evaluating a qualification  
 1892 | notice, the office may consider factors reasonably related to an  
 1893 | offense or related to a violation, fine, or penalty, such as  
 1894 | mitigating factors, history of multiple violations, severity of  
 1895 | the offense, and showings of rehabilitation.

1896 |       (5) A qualification is not transferable or assignable.

1897 |       (6) No later than March 31, 2018, a person or entity that  
 1898 | previously qualified under the moratorium in s. 663.041 must  
 1899 | seek qualification as a qualified limited service affiliate or  
 1900 | cease doing business in this state. Notwithstanding the

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

1901 expiration of the moratorium under s. 663.041, a person or  
 1902 entity that previously qualified under such moratorium may  
 1903 remain open and in operation but shall refrain from engaging in  
 1904 new lines of business in this state until qualified as a  
 1905 qualified limited service affiliate under this part.

1906 Section 43. Section 663.5325, Florida Statutes, is created  
 1907 to read:

1908 663.5325 Civil action subpoena enforcement.—

1909 (1) Notwithstanding s. 655.059, a qualified limited  
 1910 service affiliate established under this chapter is not required  
 1911 to produce a book or record pertaining to a customer of an  
 1912 affiliated international trust entity that is located outside  
 1913 the United States or its territories in response to a subpoena  
 1914 if the book or record is maintained outside the United States or  
 1915 its territories and is not in the possession, custody, or  
 1916 control of the qualified limited service affiliate.

1917 (2) This section applies only to a subpoena issued  
 1918 pursuant to the Florida Rules of Civil Procedure, the Federal  
 1919 Rules of Civil Procedure, or other similar law or rule of civil  
 1920 procedure in another state or territory of the United States.  
 1921 This section does not apply to a subpoena issued by or on behalf  
 1922 of a federal, state, or local government law enforcement agency,  
 1923 administrative or regulatory agency, legislative body, or grand  
 1924 jury and does not limit the power of the office to access all  
 1925 books and records in the exercise of the office's regulatory and

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CS/CS/HB 435, Engrossed 1

2017 Legislature

1926 supervisory powers under the financial institutions codes.  
 1927       Section 44. Section 663.533, Florida Statutes, is created  
 1928 to read:  
 1929       663.533 Applicability of the financial institutions  
 1930 codes.—A qualified limited service affiliate is subject to the  
 1931 financial institutions codes. Without limiting the foregoing,  
 1932 the following provisions are applicable to a qualified limited  
 1933 service affiliate:  
 1934       (1) Section 655.012, relating to general supervisory  
 1935 powers of the office.  
 1936       (2) Section 655.031, relating to administrative  
 1937 enforcement guidelines.  
 1938       (3) Section 655.032, relating to investigations,  
 1939 subpoenas, hearings, and witnesses.  
 1940       (4) Section 655.0321, relating to restricted access to  
 1941 certain hearings, proceedings, and related documents.  
 1942       (5) Section 655.033, relating to cease and desist orders.  
 1943       (6) Section 655.034, relating to injunctions.  
 1944       (7) Section 655.037, relating to removal of a financial  
 1945 institution-affiliated party by the office.  
 1946       (8) Section 655.041, relating to administrative fines and  
 1947 enforcement.  
 1948       (9) Section 655.057, relating to restrictions on access to  
 1949 public records.  
 1950       (10) Section 655.059, relating to access to books and

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

1951 | records.

1952 |       (11) Section 655.0591, relating to trade secret documents.

1953 |       (12) Section 655.91, relating to records of institutions

1954 | and copies thereof; retention and destruction.

1955 |       (13) Section 655.968, relating to financial institutions;

1956 | transactions relating to Iran or terrorism.

1957 |

1958 | This section does not prohibit the office from investigating or

1959 | examining an entity to ensure that it is not in violation of

1960 | this chapter or applicable provisions of the financial

1961 | institutions codes.

1962 |       Section 45. Section 663.534, Florida Statutes, is created

1963 | to read:

1964 |       663.534 Events that require notice to be provided to the

1965 | office.—A qualified limited service affiliate must report to the

1966 | office, within 15 days of its knowledge of the occurrence, any

1967 | changes to the information previously relied upon by the office

1968 | when qualifying or renewing a qualification under this part.

1969 |       Section 46. Section 663.535, Florida Statutes, is created

1970 | to read:

1971 |       663.535 Notice to customers.—All marketing documents and

1972 | advertisements and any display at the location of the qualified

1973 | limited service affiliate or at any trade or marketing event

1974 | must contain the following statement in a contrasting color in

1975 | at least 10-point type: "The Florida Office of Financial

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

1976 Regulation DOES NOT provide safety and soundness oversight of  
 1977 this company, does not provide any opinion as to any affiliated  
 1978 companies or products, and does not provide the oversight of  
 1979 this company's affiliated international trust entities or the  
 1980 jurisdictions within which they operate. This company may not  
 1981 act as a fiduciary and may not accept the fiduciary appointment,  
 1982 execute or transmit fiduciary documents, take possession of any  
 1983 assets, create a fiduciary relationship, make discretionary  
 1984 decisions regarding the investment or distribution of fiduciary  
 1985 accounts, provide banking services, or promote or sell  
 1986 investments."

1987 Section 47. Section 663.536, Florida Statutes, is created  
 1988 to read:

1989 663.536 Recordkeeping requirements for trade, industry, or  
 1990 professional events.—A qualified limited service affiliate who  
 1991 participates in a trade, industry, or professional event  
 1992 pursuant to s. 663.531 must keep a record of its participation  
 1993 in the event. The record must be maintained for at least 2 years  
 1994 following the event and must contain the following information:

- 1995 (1) The date, time, and location of the event;
- 1996 (2) To the extent known or available, a list of  
 1997 participants in the event, including other vendors, presenters,  
 1998 attendees, and targeted attendees;
- 1999 (3) The nature and purpose of the event;
- 2000 (4) The qualified limited service affiliate's purpose for

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

2001 participating in the event; and  
 2002 (5) Samples of materials or, when samples are unavailable,  
 2003 descriptions of materials provided by the qualified limited  
 2004 service affiliate to attendees and other participants.

2005 Section 48. Section 663.537, Florida Statutes, is created  
 2006 to read:

2007 663.537 Examination or investigation of a qualified  
 2008 limited service affiliate.—The office may conduct an examination  
 2009 or investigation of a qualified limited service affiliate at any  
 2010 time that it deems necessary to determine whether the qualified  
 2011 limited service affiliate or financial institution-affiliated  
 2012 party thereof has violated, or is about to violate, any  
 2013 provision of this chapter, any applicable provision of the  
 2014 financial institutions codes, or any rule adopted by the  
 2015 commission pursuant to this chapter or the financial  
 2016 institutions codes. The office shall conduct an examination of  
 2017 each qualified limited service affiliate at least once every 18  
 2018 months to assess compliance with this part and the financial  
 2019 institutions codes. The office may conduct an examination,  
 2020 before or after qualification, of any person or entity that  
 2021 submits the written notice for qualification pursuant to s.  
 2022 663.532 to confirm information provided in the written notice  
 2023 and to confirm the activities of the person or entity seeking  
 2024 qualification.

2025 Section 49. Section 663.538, Florida Statutes, is created

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

2026 | to read:

2027 |       663.538 Suspension, revocation, or voluntary surrender of  
2028 | qualification.—

2029 |       (1) A qualified limited service affiliate that proposes to  
2030 | terminate operations in this state shall surrender its  
2031 | qualification to the office and comply with such procedures as  
2032 | required by rule of the commission.

2033 |       (2) A qualified limited service affiliate that fails to  
2034 | renew its qualification may be subject to a fine and penalty;  
2035 | however, such qualified limited service affiliate may renew its  
2036 | qualification within 30 days after expiration or may surrender  
2037 | the qualification in accordance with procedures prescribed by  
2038 | commission rule.

2039 |       (3) The qualification of a qualified limited service  
2040 | affiliate in this state may be suspended or revoked by the  
2041 | office, with or without examination, upon the office's  
2042 | determination that the qualified limited service affiliate does  
2043 | not meet all requirements for original or renewal qualification.

2044 |       (4) If a qualified limited service affiliate surrenders  
2045 | its qualification or its qualification is suspended or revoked  
2046 | by the office, all rights and privileges afforded by this part  
2047 | to the qualified limited service affiliate cease.

2048 |       (5) At least 60 days before a proposed date of voluntary  
2049 | termination of a qualification, a qualified limited service  
2050 | affiliate must provide to the office written notice by letter of

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

2051 its intention to surrender its qualification and terminate  
 2052 operations. The notice must include the proposed date of  
 2053 termination and the name of the officer in charge of the  
 2054 termination procedures.

2055 (6) The office may conduct an examination of the books and  
 2056 records of a qualified limited service affiliate at any time  
 2057 after receipt of the notice of surrender of qualification to  
 2058 confirm the winding down of operations.

2059 (7) Operations of a qualified limited service affiliate  
 2060 are deemed terminated effective upon the later of the expiration  
 2061 of 60 days from the date of the filing of the notice of  
 2062 voluntary surrender or upon the date provided in the notice of  
 2063 voluntary surrender, unless the office provides written notice  
 2064 specifying the grounds for denial of such proposed termination.  
 2065 The office may not deny a request to terminate unless it learns  
 2066 of the existence of any outstanding claim or claims against the  
 2067 qualified limited service affiliate, it finds that the  
 2068 requirements to terminate operations have not been satisfied, or  
 2069 there is an immediate and serious danger to the public health,  
 2070 safety, and welfare if the termination occurred.

2071 Section 50. Section 663.539, Florida Statutes, is created  
 2072 to read:

2073 663.539 Biennial qualification renewal.—A qualification  
 2074 must be renewed every 2 years. A qualification must be renewed  
 2075 by furnishing such information as the commission requires. A

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

2076 complete biennial renewal of qualification must include a  
 2077 declaration under penalty of perjury, signed by the executive  
 2078 officer or managing member of the qualified limited service  
 2079 affiliate seeking renewal, declaring that the information  
 2080 submitted for the purposes of renewal is true and correct to the  
 2081 best of his or her knowledge, and confirming or providing all of  
 2082 the following:

2083 (1) That the qualified limited service affiliate is in  
 2084 compliance with this part.

2085 (2) The physical location of the principal place of  
 2086 business of the qualified limited service affiliate.

2087 (3) The telephone number of the qualified limited service  
 2088 affiliate.

2089 (4) A list of the qualified limited service affiliate's  
 2090 current directors, executive officers, principal shareholder,  
 2091 managers, managing members, or equivalent positions.

2092 (5) Any updates or changes in information which were not  
 2093 previously provided either in the initial qualification or in  
 2094 subsequent qualification renewals or which were not previously  
 2095 disclosed to the office.

2096 Section 51. For the purpose of incorporating the amendment  
 2097 made by this act to section 663.01, Florida Statutes, in a  
 2098 reference thereto, subsection (4) of section 663.16, Florida  
 2099 Statutes, is reenacted to read:

2100 663.16 Definitions; ss. 663.17-663.181.—As used in ss.

ENROLLED

CS/CS/HB 435, Engrossed 1

2017 Legislature

2101 663.17-663.181, the term:

2102 (4) Except where the context otherwise requires,  
2103 "international banking corporation" or "corporation" has the  
2104 same meaning as that provided in s. 663.01 and includes any  
2105 licensed office of an international banking corporation  
2106 operating in this state.

2107 Section 52. Except as otherwise expressly provided in this  
2108 act and except for this section, which shall take effect upon  
2109 this act becoming a law, this act shall take effect January 1,  
2110 2018.