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1
2 An act relating to family trust companies; amending s.
3 662.102, F.S.; revising the purposes of the Family
4 Trust Company Act; providing legislative findings;
5 amending s. 662.111, F.S.; redefining the term
6 "officer"; creating s. 662.113, F.S.; specifying the
7 applicability of other chapters of the financial
8 institutions codes to family trust companies;
9 providing that the section does not limit the
10 authority of the Office of Financial Regulation to
11 investigate any entity to ensure that it is not in
12 violation of ch. 662, F.S., or applicable provisions
13 of the financial institutions codes; amending s.
14 662.120, F.S.; revising the ancestry requirements for
15 designated relatives of a licensed family trust
16 company; amending s. 662.1215, F.S.; revising the
17 requirements for investigations of license applicants
18 by the Office of Financial Regulation; amending s.
19 662.122, F.S.; revising the requirements for
20 registration of a family trust company and a foreign
21 licensed family trust company; amending s. 662.1225,
22 F.S.; requiring a foreign licensed family trust
23 company to be in compliance with the family trust laws
24 and regulations in its principal jurisdiction;
25 specifying the date upon which family trust companies
26 must be registered or licensed or, if not registered
27 or licensed, cease doing business in this state;
28 amending s. 662.123, F.S.; revising the types of
29 amendments to organizational documents which must have

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30 prior approval by the office; amending s. 662.128,
31 F.S.; extending the deadline for the filing of, and
32 revising the requirements for, specified license and
33 registration renewal applications; amending s.
34 662.132, F.S.; revising the authority of specified
35 family trust companies while acting as fiduciaries to
36 purchase certain bonds and securities; revising the
37 prohibition against the purchase of certain bonds or
38 securities by specified family trust companies;
39 amending s. 662.141, F.S.; revising the purposes for
40 which the office may examine or investigate a family
41 trust company that is not licensed and a foreign
42 licensed family trust company; providing that the
43 office may rely upon specified documentation that
44 identifies the qualifications of beneficiaries as
45 permissible recipients of family trust company
46 services; deleting the requirement that the office
47 examine a family trust company that is not licensed
48 and a foreign licensed family trust company; deleting
49 a provision that authorizes the office to accept an
50 audit by a certified public accountant in lieu of an
51 examination by the office; authorizing the Financial
52 Services Commission to adopt rules establishing
53 specified requirements for family trust companies;
54 amending s. 662.142, F.S.; revising the circumstances
55 under which the office may enter an order revoking the
56 license of a licensed family trust company; deleting a
57 provision that authorizes the office to immediately
58 revoke the license of a licensed family trust company

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59 under certain circumstances; amending s. 662.143,
60 F.S.; revising the acts that may result in the entry
61 of a cease and desist order against specified family
62 trust companies and affiliated parties; amending s.
63 662.144, F.S.; authorizing a family trust company to
64 have its terminated registration or revoked license
65 reinstated under certain circumstances; revising the
66 timeframe for a family trust company to wind up its
67 affairs under certain circumstances; requiring the
68 deposit of certain fees and fines in the Financial
69 Institutions' Regulatory Trust Fund; amending s.
70 662.145, F.S.; revising the office's authority to
71 suspend a family trust company-affiliated party who is
72 charged with a specified felony or to restrict or
73 prohibit the participation of such party in certain
74 financial institutions; amending s. 662.150, F.S.;
75 making a technical change; amending s. 662.151, F.S.;
76 conforming a provision to changes made by the act;
77 providing an effective date.

78
79 Be It Enacted by the Legislature of the State of Florida:

80
81 Section 1. Section 662.102, Florida Statutes, is amended to
82 read:

83 662.102 Purposes; findings Purpose.—The purposes ~~purpose~~ of
84 the Family Trust Company Act are ~~is~~ to establish requirements
85 for licensing family trust companies, to regulate ~~provide~~
86 ~~regulation of these~~ persons who provide fiduciary services to
87 family members of no more than two families and their related

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88 interests as a family trust company, and to establish the degree
89 of regulatory oversight required of the Office of Financial
90 Regulation over such companies. The ~~Unlike trust companies~~
91 ~~formed under chapter 658, there is no public interest to be~~
92 ~~served by this chapter is to ensure~~ outside of ensuring that
93 fiduciary activities performed by a family trust company are
94 restricted to family members and their related interests and as
95 otherwise provided ~~for~~ in this chapter. Therefore, the
96 Legislature finds that:

97 (1) A family trust company is ~~companies are not a financial~~
98 institution ~~institutions~~ within the meaning of the financial
99 institutions codes, ~~and~~ Licensure of such a company ~~these~~
100 ~~companies~~ pursuant to chapters 658 and 660 is ~~should not be~~
101 required as it would not promote the purposes of the codes
102 specified ~~as set forth~~ in s. 655.001.

103 (2) A family trust company may elect to be a licensed
104 family trust company under this chapter if the company desires
105 to be subject to the regulatory oversight of the office, as
106 provided in this chapter, notwithstanding that the company
107 restricts its services to family members.

108 (3) With respect to:

109 (a) A licensed ~~Consequently, the office of Financial~~
110 ~~Regulation is not responsible for regulating~~ family trust
111 company, the office is responsible for regulating, supervising,
112 and examining the company as provided under this chapter.

113 (b) A family trust company that does not elect to be
114 licensed and a foreign licensed family trust company, ~~companies~~
115 ~~to ensure their safety and soundness, and the responsibility of~~
116 the office's role ~~office~~ is limited to ensuring that fiduciary

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117 services provided by the company ~~such companies~~ are restricted
118 to family members and authorized related interests and not to
119 the general public. The office is not responsible for examining
120 a family trust company or a foreign licensed family trust
121 company regarding the safety or soundness of its operations.

122 Section 2. Subsection (19) of section 662.111, Florida
123 Statutes, is amended to read:

124 662.111 Definitions.—As used in this chapter, the term:

125 (19) "Officer" of a family trust company means an
126 individual, regardless of whether the individual has an official
127 title or receives a salary or other compensation, who may
128 participate in the major policymaking functions of a family
129 trust company, other than as a director. The term does not
130 include an individual who may have an official title and
131 exercise discretion in the performance of duties and functions,
132 but who does not participate in determining the major policies
133 of the family trust company and whose decisions are limited by
134 policy standards established by other officers, regardless of
135 whether the policy standards have been adopted by the board of
136 directors. The chair of the board of directors, the president,
137 the chief officer, the chief financial officer, the senior trust
138 officer, and all executive vice presidents of a family trust
139 company, and all managers if organized as a limited liability
140 company, are presumed to be ~~executive~~ officers unless such
141 officer is excluded, by resolution of the board of directors or
142 members or by the bylaws or operating agreement of the family
143 trust company, other than in the capacity of a director, from
144 participating in major policymaking functions of the family
145 trust company, and such excluded officer does not actually

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146 participate therein.

147 Section 3. Section 662.113, Florida Statutes, is created to
148 read:

149 662.113 Applicability of other chapters of the financial
150 institutions codes.—If a family trust company, licensed family
151 trust company, or foreign licensed family trust company limits
152 its activities to the activities authorized under this chapter,
153 the provisions of other chapters of the financial institutions
154 codes do not apply to the trust company unless otherwise
155 expressly provided in this chapter. This section does not limit
156 the office's authority to investigate any entity to ensure that
157 it is not in violation of this chapter or applicable provisions
158 of the financial institutions codes.

159 Section 4. Subsection (2) of section 662.120, Florida
160 Statutes, is amended to read:

161 662.120 Maximum number of designated relatives.—

162 (2) A licensed family trust company may ~~not~~ have up to more
163 ~~than~~ two designated relatives, ~~and~~ The designated relatives may
164 not have a common ancestor within three ~~five~~ generations.

165 Section 5. Paragraph (e) is added to subsection (2) of
166 section 662.1215, Florida Statutes, to read:

167 662.1215 Investigation of license applicants.—

168 (2) Upon filing an application for a license to operate as
169 a licensed family trust company, the office shall conduct an
170 investigation to confirm:

171 (e) That the management structure of the proposed company
172 complies with s. 662.125.

173 Section 6. Paragraph (b) of subsection (1) and paragraphs
174 (a) and (c) of subsection (2) of section 662.122, Florida

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175 Statutes, are amended to read:

176 662.122 Registration of a family trust company or a foreign
177 licensed family trust company.—

178 (1) A family trust company that is not applying under s.
179 662.121 to become a licensed family trust company must register
180 with the office before beginning operations in this state. The
181 registration application must:

182 (b) State that the family trust company is a family trust
183 company as defined under this chapter and that its operations
184 will comply with ss. 662.1225, 662.123(1), 662.124, 662.125,
185 662.127, 662.131, and 662.134.

186 (2) A foreign licensed family trust company must register
187 with the office before beginning operations in this state.

188 (a) The registration application must state that its
189 operations will comply with ss. 662.1225, 662.125, 662.127,
190 662.131, and 662.134 and that it is currently in compliance with
191 the family trust company laws and regulations of its principal
192 jurisdiction.

193 (c) The registration must include a certified copy of a
194 certificate of good standing, or an equivalent document,
195 authenticated by the official having custody of records in the
196 jurisdiction where the foreign licensed family trust company is
197 organized, along with satisfactory proof, as determined by the
198 office, that the company is organized in a manner similar to a
199 family trust company as defined under this chapter and is in
200 compliance with the family trust company laws and regulations of
201 its principal jurisdiction.

202 Section 7. Subsection (2) of section 662.1225, Florida
203 Statutes, is amended, and subsection (3) is added to that

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204 section, to read:

205 662.1225 Requirements for a family trust company, licensed
206 family trust company, or foreign licensed family trust company.-

207 (2) In order to operate in this state, a foreign licensed
208 family trust company must be in good standing in its principal
209 jurisdiction, must be in compliance with the family trust
210 company laws and regulations of its principal jurisdiction, and
211 must maintain:

212 (a) An office physically located in this state where
213 original or true copies of all records and accounts of the
214 foreign licensed family trust company pertaining to its
215 operations in this state may be accessed and made readily
216 available for examination by the office in accordance with this
217 chapter.

218 (b) A registered agent who has an office in this state at
219 the street address of the registered agent.

220 (c) All applicable state and local business licenses,
221 charters, and permits.

222 (d) A deposit account with a state-chartered or national
223 financial institution that has a principal or branch office in
224 this state.

225 (3) A company in operation as of October 1, 2016, which
226 meets the definition of a family trust company, must, on or
227 before December 30, 2016, apply for licensure as a licensed
228 family trust company, register as a family trust company or
229 foreign licensed family trust company, or cease doing business
230 in this state.

231 Section 8. Subsection (2) of section 662.123, Florida
232 Statutes, is amended to read:

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233 662.123 Organizational documents; use of term "family
234 trust" in name.—

235 (2) A proposed amendment to the articles of incorporation,
236 articles of organization, certificate of formation, or
237 certificate of organization, ~~bylaws, or articles of organization~~
238 of a ~~limited liability company~~, family trust company, or
239 licensed family trust company must be submitted to the office
240 for review at least 30 days before it is filed or effective. An
241 amendment is not considered filed or effective if the office
242 issues a notice of disapproval with respect to the proposed
243 amendment.

244 Section 9. Subsections (1) through (4) of section 662.128,
245 Florida Statutes, are amended to read:

246 662.128 Annual renewal.—

247 (1) Within 45 ~~30~~ days after the end of each calendar year,
248 a family trust company ~~companies~~, licensed family trust company
249 ~~companies~~, or ~~and~~ foreign licensed family trust company
250 ~~companies~~ shall file its ~~their~~ annual renewal application with
251 the office.

252 (2) The license renewal application filed by a licensed
253 family trust company must include a verified statement by an
254 authorized representative of the trust company that:

255 (a) The licensed family trust company operated in full
256 compliance with this chapter, chapter 896, or similar state or
257 federal law, or any related rule or regulation. The application
258 must include proof acceptable to the office that the company is
259 a family trust company as defined under this chapter.

260 (b) Describes any material changes to its operations,
261 principal place of business, directors, officers, managers,

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262 members acting in a managerial capacity, and designated
263 relatives since the end of the preceding calendar year.

264 (3) The registration renewal application filed by a family
265 trust company must include:

266 (a) A verified statement by an authorized representative
267 ~~officer~~ of the trust company that it is a family trust company
268 as defined under this chapter and that its operations are in
269 compliance with ss. 662.1225, 662.123(1), 662.124, 662.125,
270 662.127, 662.131, and 662.134, ~~+~~ chapter 896, ~~+~~ or similar state
271 or federal law, ~~+~~ or ~~any~~ related rule or regulation.

272 (b) ~~, and include~~ The name of the company's ~~its~~ designated
273 relative or relatives, if applicable, and the street address for
274 its principal place of business.

275 (4) The registration renewal application filed by a foreign
276 licensed family trust company must include a verified statement
277 by an authorized representative of the trust company that its
278 operations are in compliance with ss. 662.1225, 662.125,
279 662.131, and 662.134 and in compliance with the family trust
280 company laws and regulations of its principal jurisdiction. It
281 must also provide:

282 (a) The current telephone number and street address of the
283 physical location of its principal place of business in its
284 principal jurisdiction.

285 (b) The current telephone number and street address of the
286 physical location in this state of its principal place of
287 operations where its books and records pertaining to its
288 operations in this state are maintained.

289 (c) The current telephone number and address of the
290 physical location of any other offices located in this state.

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291 (d) The name and current street address in this state of
292 its registered agent.

293 (e) Documentation satisfactory to the office that the
294 foreign licensed family trust company is in compliance with the
295 family trust company laws and regulations of its principal
296 jurisdiction.

297 Section 10. Subsections (4) and (7) of section 662.132,
298 Florida Statutes, are amended to read:

299 662.132 Investments.—

300 (4) Notwithstanding any other law, a family trust company
301 or licensed family trust company may, while acting as a
302 fiduciary, purchase directly from underwriters or broker-dealers
303 ~~distributors~~ or in the secondary market:

304 (a) Bonds or other securities underwritten or brokered
305 ~~distributed~~ by:

306 1. The family trust company or licensed family trust
307 company;

308 2. A family affiliate; or

309 3. A syndicate, including the family trust company,
310 licensed family trust company, or family affiliate.

311 (b) Securities of an investment company, including a mutual
312 fund, closed-end fund, or unit investment trust, as defined
313 under the federal Investment Company Act of 1940, for which the
314 family trust company or licensed family trust company acts as an
315 advisor, custodian, distributor, manager, registrar, shareholder
316 servicing agent, sponsor, or transfer agent.

317 (7) Notwithstanding subsections (1)-(6), a family trust
318 company or licensed family trust company may not, while acting
319 as a fiduciary, purchase a bond or security issued by the

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320 company or its parent, or a subsidiary company ~~an affiliate~~
321 thereof or its parent, unless:

322 (a) The family trust company or licensed family trust
323 company is expressly authorized to do so by:

324 1. The terms of the instrument creating the trust;

325 2. A court order;

326 3. The written consent of the settlor of the trust for
327 which the family trust company or licensed family trust company
328 is serving as trustee; or

329 4. The written consent of every adult qualified beneficiary
330 of the trust who, at the time of such purchase, is entitled to
331 receive income under the trust or who would be entitled to
332 receive a distribution of principal if the trust were
333 terminated; and

334 (b) The purchase of the security is at a fair price and
335 complies with:

336 1. The prudent investor rule in s. 518.11~~7~~ or other prudent
337 investor or similar rule under other applicable law, unless ~~such~~
338 compliance is waived in accordance with s. 518.11 or other
339 applicable law.

340 2. The terms of the instrument, judgment, decree, or order
341 establishing the fiduciary relationship.

342 Section 11. Section 662.141, Florida Statutes, is amended
343 to read:

344 662.141 Examination, investigations, and fees.—The office
345 may conduct an examination or investigation of a ~~family trust~~
346 ~~company~~, licensed family trust company, ~~or foreign licensed~~
347 ~~family trust company~~ at any time it deems necessary to determine
348 whether the a ~~family trust company~~, licensed family trust

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349 ~~company, foreign licensed family trust company,~~ or licensed
350 family trust company-affiliated party thereof ~~person~~ has
351 violated or is about to violate any provision of this chapter,
352 ~~or rules adopted by the commission pursuant to this chapter, or~~
353 any applicable provision of the financial institutions
354 ~~institution~~ codes, or any rule ~~rules~~ adopted by the commission
355 pursuant to this chapter or the ~~such~~ codes. The office may
356 conduct an examination or investigation of a family trust
357 company or foreign licensed family trust company at any time it
358 deems necessary to determine whether the family trust company or
359 foreign licensed family trust company has engaged in any act
360 prohibited under s. 662.131 or s. 662.134 and, if a family trust
361 company or a foreign licensed family trust company has engaged
362 in such act, to determine whether any applicable provision of
363 the financial institutions codes has been violated.

364 (1) The office may rely upon a certificate of trust, trust
365 summary, or written statement from the trust company which
366 identifies the qualified beneficiaries of any trust or estate
367 for which a family trust company, licensed family trust company,
368 or foreign licensed family trust company serves as a fiduciary
369 and the qualifications of such beneficiaries as permissible
370 recipients of company services.

371 (2) The office shall conduct an examination of a licensed
372 family trust company, ~~family trust company, or foreign licensed~~
373 ~~family trust company~~ at least once every 36 ~~18~~ months.

374 (2) ~~In lieu of an examination by the office, the office may~~
375 ~~accept an audit of a family trust company, licensed family trust~~
376 ~~company, or foreign licensed family trust company by a certified~~
377 ~~public accountant licensed to practice in this state who is~~

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378 ~~independent of the company, or other person or entity acceptable~~
379 ~~to the office. If the office accepts an audit pursuant to this~~
380 ~~subsection, the office shall conduct the next required~~
381 ~~examination.~~

382 ~~(3)~~ The office shall examine the books and records of a
383 ~~family trust company or licensed family trust company as~~
384 ~~necessary to determine whether it is a family trust company or~~
385 ~~licensed family trust company as defined in this chapter, and is~~
386 ~~operating in compliance with this chapter ss. ~~662.1225, 662.125,~~~~
387 ~~662.126, 662.131, and 662.134, as applicable. The office may~~
388 ~~rely upon a certificate of trust, trust summary, or written~~
389 ~~statement from the trust company identifying the qualified~~
390 ~~beneficiaries of any trust or estate for which the family trust~~
391 ~~company serves as a fiduciary and the qualification of the~~
392 ~~qualified beneficiaries as permissible recipients of company~~
393 ~~services. The commission may establish by rule the records to be~~
394 ~~maintained or requirements necessary to demonstrate conformity~~
395 ~~with this chapter as a family trust company or licensed family~~
396 ~~trust company.~~

397 ~~(3)~~(4) The office shall examine the books and records of a
398 foreign licensed family trust company as necessary to determine
399 if it is a foreign licensed trust company as defined in this
400 chapter and is in compliance with ss. 662.1225, 662.125,
401 662.130(2), 662.131, and 662.134. In connection with an
402 examination of the books and records of the company, the office
403 may rely upon the most recent examination report or review or
404 certification letters or similar documentation issued by the
405 regulatory agency to which the foreign licensed family trust
406 company is subject to supervision. ~~The commission may establish~~

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407 ~~by rule the records to be maintained or requirements necessary~~
408 ~~to demonstrate conformity with this chapter as a foreign~~
409 ~~licensed family trust company.~~ The office's examination of the
410 books and records of a foreign licensed family trust company is,
411 to the extent practicable, limited to books and records of the
412 operations in this state.

413 (4)~~(5)~~ For each examination of the books and records of a
414 family trust company, licensed family trust company, or foreign
415 licensed family trust company as authorized under this chapter,
416 the trust company shall pay a fee for the costs of the
417 examination by the office. As used in this section, the term
418 "costs" means the salary and travel expenses of field staff
419 which are directly attributable to the examination of the trust
420 company and the travel expenses of any supervisory and ~~or~~
421 support staff required as a result of examination findings. The
422 mailing of payment for costs incurred must be postmarked within
423 30 days after the receipt of a notice stating that the such
424 costs are due. The office may levy a late payment of up to \$100
425 per day or part thereof that a payment is overdue, unless waived
426 for good cause. However, if the late payment of costs is
427 intentional, the office may levy an administrative fine of up to
428 \$1,000 per day for each day the payment is overdue.

429 (5)~~(6)~~ All fees collected under this section must be
430 deposited into the Financial Institutions' Regulatory Trust Fund
431 pursuant to s. 655.049 for the purpose of administering this
432 chapter.

433 (6) The commission may establish by rule the records to be
434 maintained or requirements necessary to demonstrate conformity
435 with this chapter as a family trust company, licensed family

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436 trust company, or foreign licensed family trust company.

437 Section 12. Section 662.142, Florida Statutes, is amended
438 to read:

439 662.142 Revocation of license.—

440 (1) Any of the following acts constitute ~~or conduct~~
441 ~~constitutes~~ grounds for the revocation by the office of the
442 license of a licensed family trust company:

443 (a) The company is not a family trust company as defined in
444 this chapter.~~†~~

445 (b) A violation of s. 662.1225, s. 662.123(1)(a), s.
446 662.125(2), s. 662.126, s. 662.127, s. 662.128, s. 662.130, s.
447 662.131, s. 662.134, or s. 662.144.~~†~~

448 (c) A violation of chapter 896, relating to financial
449 transactions offenses, or a ~~any~~ similar state or federal law or
450 ~~any~~ related rule or regulation.~~†~~

451 (d) A violation of any rule of the commission.~~†~~

452 (e) A violation of any order of the office.~~†~~

453 (f) A breach of any written agreement with the office.~~†~~

454 (g) A prohibited act or practice under s. 662.131.~~†~~

455 (h) A failure to provide information or documents to the
456 office upon written request.~~† or~~

457 (i) An act of commission or omission that is judicially
458 determined to be a breach of trust or ~~of~~ fiduciary duty ~~pursuant~~
459 ~~to a court of competent jurisdiction.~~

460 (2) If the office finds ~~Upon a finding~~ that a licensed
461 family trust company has committed any of the acts specified ~~set~~
462 ~~forth~~ in subsection (1) ~~paragraphs (1)(a)-(h)~~, the office may
463 enter an order suspending the company's license and provide
464 notice of its intention to revoke the license and of the

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465 opportunity for a hearing pursuant to ss. 120.569 and 120.57.

466 (3) If a hearing is not timely requested pursuant to ss.
467 120.569 and 120.57 or if a hearing is held and it has been
468 determined that the licensed family trust company has committed
469 any of the acts specified in subsection (1) there has been a
470 commission or omission under paragraph (1)(i), the office may
471 ~~immediately~~ enter an order revoking the company's license. ~~A~~ The
472 licensed family trust company has ~~shall have~~ 90 days to wind up
473 its affairs after license revocation. If after 90 days the
474 company is still in operation, the office may seek an order from
475 the circuit court for the annulment or dissolution of the
476 company.

477 Section 13. Subsection (1) of section 662.143, Florida
478 Statutes, is amended to read:

479 662.143 Cease and desist authority.—

480 (1) The office may issue and serve upon a family trust
481 company, licensed family trust company, ~~or~~ foreign licensed
482 family trust company, or ~~upon a~~ family trust company-affiliated
483 party, a complaint stating charges if the office has reason to
484 believe that such company, family trust company-affiliated
485 party, or individual named therein is engaging in or has engaged
486 in any of the following acts ~~conduct that~~:

487 (a) ~~Indicates that~~ The company is not a family trust
488 company or foreign licensed family trust company as defined in
489 this chapter. ~~†~~

490 (b) ~~Is~~ A violation of s. 662.1225, s. 662.123(1)(a), s.
491 662.125(2), s. 662.126, s. 662.127, s. 662.128, s. 662.130, or
492 s. 662.134. ~~†~~

493 (c) ~~Is~~ A violation of any rule of the commission. ~~†~~

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- 494 (d) ~~Is~~ A violation of any order of the office.~~†~~
495 (e) ~~Is~~ A breach of any written agreement with the office.~~†~~
496 (f) ~~Is~~ A prohibited act or practice pursuant to s.
497 662.131.~~†~~
498 (g) ~~Is~~ A willful failure to provide information or
499 documents to the office upon written request.~~†~~
500 (h) ~~Is~~ An act of commission or omission that is judicially
501 determined by or a court of competent jurisdiction ~~practice that~~
502 ~~the office has reason to be believe is~~ a breach of trust or ~~of~~
503 fiduciary duty.~~†~~~~or~~
504 (i) ~~Is~~ A violation of chapter 896 or similar state or
505 federal law or any related rule or regulation.

506 Section 14. Section 662.144, Florida Statutes, is amended
507 to read:

508 662.144 Failure to submit required report; fines.—If a
509 family trust company, licensed family trust company, or foreign
510 licensed family trust company fails to submit within the
511 prescribed period its annual renewal or any other report
512 required by this chapter or any rule, the office may impose a
513 fine of up to \$100 for each day that the annual renewal or
514 report is overdue. Failure to provide the annual renewal within
515 60 days after the end of the calendar year shall automatically
516 result in termination of the registration of a family trust
517 company or foreign licensed family trust company or revocation
518 of the license of a licensed family trust company. A family
519 trust company may have its registration or license automatically
520 reinstated by submitting to the office, on or before August 31
521 of the calendar year in which the renewal application is due,
522 the company's annual renewal application and fee required under

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523 s. 662.128, a \$500 late fee, and the amount of any fine imposed
524 by the office under this section. A family ~~The~~ trust company
525 that fails to renew or reinstate its registration or license
526 must shall thereafter have 90 days to wind up its affairs on or
527 before November 30 of the calendar year in which such failure
528 occurs. Fees and fines collected under this section shall be
529 deposited into the Financial Institutions' Regulatory Trust Fund
530 pursuant to s. 655.049 for the purpose of administering this
531 chapter.

532 Section 15. Paragraph (a) of subsection (6) of section
533 662.145, Florida Statutes, is amended to read:

534 662.145 Grounds for removal.—

535 (6) The chief executive officer, or the person holding the
536 equivalent office, of a family trust company or licensed family
537 trust company shall promptly notify the office if he or she has
538 actual knowledge that a family trust company-affiliated party is
539 charged with a felony in a state or federal court.

540 (a) If a family trust company-affiliated party is charged
541 with a felony in a state or federal court, or is charged with an
542 offense in a court ~~the courts~~ of a foreign country with which
543 the United States maintains diplomatic relations which involves
544 a violation of law relating to fraud, currency transaction
545 reporting, money laundering, theft, or moral turpitude and the
546 charge is equivalent to a felony charge under state or federal
547 law, the office may enter an emergency order suspending the
548 family trust company-affiliated party or restricting or
549 prohibiting participation by such ~~company-affiliated~~ party in
550 the affairs of that particular family trust company or licensed
551 family trust company or any state financial institution,

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552 subsidiary, or service corporation, upon service of the order
553 upon the company and ~~the~~ family trust company-affiliated party
554 ~~se~~ charged.

555 Section 16. Paragraph (b) of subsection (1) of section
556 662.150, Florida Statutes, is amended to read:

557 662.150 Domestication of a foreign family trust company.—

558 (1) A foreign family trust company lawfully organized and
559 currently in good standing with the state regulatory agency in
560 the jurisdiction where it is organized may become domesticated
561 in this state by:

562 (b) Filing an application for a license to begin operations
563 as a licensed family trust company in accordance with s.
564 662.121, which must first be approved by the office, or by
565 filing the prescribed form with the office to register as a
566 family trust company to begin operations in accordance with s.
567 662.122.

568 Section 17. Subsection (3) of section 662.151, Florida
569 Statutes, is amended to read:

570 662.151 Registration of a foreign licensed family trust
571 company to operate in this state.—A foreign licensed family
572 trust company lawfully organized and currently in good standing
573 with the state regulatory agency in the jurisdiction under the
574 law of which it is organized may qualify to begin operations in
575 this state by:

576 ~~(3) A company in operation as of the effective date of this~~
577 ~~act that meets the definition of a family trust company shall~~
578 ~~have 90 days from the effective date of this act to apply for~~
579 ~~licensure as a licensed family trust company, register as a~~
580 ~~family trust company or foreign licensed family trust company,~~

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581 ~~or cease doing business in this state.~~

582 Section 18. This act shall take effect upon becoming law.