

By Senator King

8-1311A-00

See HB

1                                   A bill to be entitled  
 2           An act relating to banking; amending s. 658.12,  
 3           F.S.; clarifying the term "banker's bank";  
 4           providing legislative intent specifying certain  
 5           deposits as pay-on-death-designated accounts  
 6           under certain circumstances; repealing s.  
 7           655.81, F.S., relating to deposits in trust;  
 8           providing application; providing an effective  
 9           date.

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

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13           Section 1. Subsection (3) of section 658.12, Florida  
 14 Statutes, is amended to read:

15           658.12 Definitions.--Subject to other definitions  
 16 contained in the financial institutions codes and unless the  
 17 context otherwise requires:

18           (3) "Banker's bank" means a bank insured by the  
 19 Federal Deposit Insurance Corporation, or a holding company  
 20 which owns or controls such an insured bank, when the stock of  
 21 such bank or holding company is owned exclusively by other  
 22 banks and such bank or holding company and all subsidiaries  
 23 thereof are engaged exclusively in providing services for, or  
 24 at the request of:

25           (a) Other financial ~~depository~~ institutions and their  
 26 officers, directors, and employees;

27           (b) Financial institutions in organizations that have:

28           1. Received conditional regulatory approval from the  
 29 Department of Banking and Finance in the case of a state bank  
 30 or have received preliminary approval from the Office of the

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1 Comptroller of the Currency in the case of a national  
2 association;

3 2. Filed articles of incorporation under s. 658.23 in  
4 the case of a state bank or have filed acceptable articles of  
5 association and organization certificate in the case of a  
6 national association; and

7 3. Received capital funds in an amount not less than  
8 the minimum capitalization required in any notice of or order  
9 granting conditional regulatory approval; and

10 (c) The organizers of a proposed financial institution  
11 that has not received conditional regulatory approval,  
12 provided that such services are limited to the financing of  
13 the expenses of organizing such financial institution and  
14 expenses relating to the acquisition or construction of the  
15 institution's proposed operating facilities and associated  
16 fixtures and equipment.

17 Section 2. (1) Because deposits in trust are also  
18 accounts with a pay-on-death designation as described in  
19 section 655.82, Florida Statutes, it is the intent of the  
20 Legislature that the provisions of section 655.82, Florida  
21 Statutes, shall apply to and govern deposits in trust.  
22 References to section 655.81, Florida Statutes, in any  
23 depository agreement shall be interpreted after the effective  
24 date of this act as references to section 655.82, Florida  
25 Statutes.

26 (2) This section shall take effect July 1, 2000, and  
27 shall apply to deposits made to a depository account after  
28 December 31, 1994.

29 Section 3. Effective July 1, 2000, section 655.81,  
30 Florida Statutes, is repealed.

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Section 4. Except as otherwise provided in this act,  
this act shall take effect upon becoming a law.

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SENATE SUMMARY

Modifies the definition of the term "banker's bank."  
Specifies legislative intent that deposits in trust be  
treated as accounts with a pay-on-death designation to  
reflect actual practice. Repeals the deposits-in-trust  
provision of law.