

Amendment No.

CHAMBER ACTION

Senate

House

.  
. .  
. .

---

1 Representative K. Roberson offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Paragraph (v) of subsection (2) and subsection  
6 (7) of section 17.57, Florida Statutes, are amended to read:

7 17.57 Deposits and investments of state money.--

8 (2) The Chief Financial Officer shall make funds available  
9 to meet the disbursement needs of the state. Funds which are not  
10 needed for this purpose shall be placed in qualified public  
11 depositories that will pay rates established by the Chief  
12 Financial Officer at levels not less than the prevailing rate  
13 for United States Treasury securities with a corresponding  
14 maturity. In the event money is available for interest-bearing  
15 time deposits or savings accounts as provided herein and  
16 qualified public depositories are unwilling to accept such money  
945997

Approved For Filing: 4/23/2009 1:56:42 PM

Amendment No.

17 and pay thereon the rates established above, then such money  
18 which qualified public depositories are unwilling to accept  
19 shall be invested in:

20 (v) Securities not otherwise described in this subsection.  
21 However, not more than 7 3 percent of the funds under the  
22 control of the Chief Financial Officer shall be invested in  
23 securities described in this paragraph.

24  
25 These investments may be in varying maturities and may be in  
26 book-entry form. Investments made pursuant to this subsection  
27 may be under repurchase agreement or reverse repurchase  
28 agreement. The Chief Financial Officer may hire registered  
29 investment advisers and other consultants to assist in  
30 investment management and to pay fees directly from investment  
31 earnings. Investment securities, proprietary investment services  
32 related to contracts, performance evaluation services,  
33 investment-related equipment or software used directly to assist  
34 investment trading or investment accounting operations including  
35 bond calculators, telerates, Bloombergs, special program  
36 calculators, intercom systems, and software used in accounting,  
37 communications, and trading, and advisory and consulting  
38 contracts made under this section are exempt from the provisions  
39 of chapter 287.

40 (7) In addition to the deposits authorized under this  
41 section and notwithstanding any other provisions of law, funds  
42 that are not needed to meet the disbursement needs of the state  
43 may be deposited by the Chief Financial Officer in accordance  
44 with the following conditions:

945997

Approved For Filing: 4/23/2009 1:56:42 PM

Amendment No.

45 (a) The funds are initially deposited in a qualified  
46 public depository, as defined in s. 280.02, selected by the  
47 Chief Financial Officer.

48 (b) The selected depository arranges for depositing the  
49 ~~deposit of~~ the funds in financial deposit instruments insured by  
50 the Federal Deposit Insurance Corporation certificates of  
51 ~~deposit~~ in one or more federally insured banks or savings and  
52 loan associations, wherever located, for the account of the  
53 state.

54 (c) The full amount of the principal and accrued interest  
55 of each financial deposit instrument ~~such certificate of deposit~~  
56 is insured by the Federal Deposit Insurance Corporation.

57 (d) The selected depository acts as custodian for the  
58 state with respect to each financial deposit instrument ~~such~~  
59 ~~certificates of deposit~~ issued for its account.

60 ~~(e) At the same time the state's funds are deposited and~~  
61 ~~the certificates of deposit are issued, the selected depository~~  
62 ~~receives an amount of deposits from customers of other federally~~  
63 ~~insured financial institutions, wherever located, equal to or~~  
64 ~~greater than the amount of the funds initially invested by the~~  
65 ~~Chief Financial Officer through the selected depository.~~

66 Section 2. Effective July 1, 2010, the amendment of s.  
67 17.57(2)(v), Florida Statutes, made by this act shall expire,  
68 and the text of that paragraph shall revert to that in existence  
69 on June 30, 2009, except that any amendments to such text  
70 enacted other than by this act shall be preserved and continue  
71 to operate to the extent that such amendments are not dependent  
72 upon the portions of such text which expire pursuant to this

945997

Approved For Filing: 4/23/2009 1:56:42 PM

Amendment No.  
73 section.

74 Section 3. Section 17.575, Florida Statutes, is created to  
75 read:

76 17.575 Administration of funds; Treasury Investment  
77 Committee.--

78 (1) There is created a Treasury Investment Committee  
79 within the Division of Treasury consisting of at least five  
80 members who must possess special knowledge, experience, and  
81 familiarity in finance, investments, or accounting. The members  
82 of the committee shall be appointed by and serve at the pleasure  
83 of the Chief Financial Officer. The committee shall annually  
84 elect a chair and vice chair from among its membership.

85 (2) The committee shall administer the Treasury Investment  
86 Program consistent with policies approved by the Chief Financial  
87 Officer for deposits and investments of public funds. The  
88 committee shall also make recommendations regarding investment  
89 policy to the Chief Financial Officer.

90 (3) The committee shall submit an annual report outlining  
91 its activities and recommendations to the Chief Financial  
92 Officer and the Joint Legislative Auditing Committee. The report  
93 shall be submitted on August 15, 2009, and annually thereafter.

94 Section 4. Paragraphs (b), (c), (d), and (e) of subsection  
95 (23) of section 218.415, Florida Statutes, are amended to read:

96 218.415 Local government investment policies.--Investment  
97 activity by a unit of local government must be consistent with a  
98 written investment plan adopted by the governing body, or in the  
99 absence of the existence of a governing body, the respective  
100 principal officer of the unit of local government and maintained  
945997

Approved For Filing: 4/23/2009 1:56:42 PM

Amendment No.

101 by the unit of local government or, in the alternative, such  
102 activity must be conducted in accordance with subsection (17).  
103 Any such unit of local government shall have an investment  
104 policy for any public funds in excess of the amounts needed to  
105 meet current expenses as provided in subsections (1)-(16), or  
106 shall meet the alternative investment guidelines contained in  
107 subsection (17). Such policies shall be structured to place the  
108 highest priority on the safety of principal and liquidity of  
109 funds. The optimization of investment returns shall be secondary  
110 to the requirements for safety and liquidity. Each unit of local  
111 government shall adopt policies that are commensurate with the  
112 nature and size of the public funds within its custody.

113 (23) AUTHORIZED DEPOSITS.--In addition to the investments  
114 authorized for local governments in subsections (16) and (17)  
115 and notwithstanding any other provisions of law, a unit of local  
116 government may deposit any portion of surplus public funds in  
117 its control or possession in accordance with the following  
118 conditions:

119 (b) The selected depository arranges for depositing the  
120 ~~deposit of~~ the funds in financial deposit instruments insured by  
121 the Federal Deposit Insurance Corporation ~~certificates of~~  
122 ~~deposit~~ in one or more federally insured banks or savings and  
123 loan associations, wherever located, for the account of the unit  
124 of local government.

125 (c) The full amount of the principal and accrued interest  
126 of each financial deposit instrument ~~such certificate of deposit~~  
127 is insured by the Federal Deposit Insurance Corporation.

128 (d) The selected depository acts as custodian for the unit  
945997

Approved For Filing: 4/23/2009 1:56:42 PM

Amendment No.

129 of local government with respect to each financial deposit  
130 instrument ~~such certificates of deposit~~ issued for its account.

131 ~~(c) At the same time the unit of local government's funds~~  
132 ~~are deposited and the certificates of deposit are issued, the~~  
133 ~~selected depository receives an amount of deposits from~~  
134 ~~customers of other federally insured financial institutions,~~  
135 ~~wherever located, equal to or greater than the amount of the~~  
136 ~~funds initially invested by the unit of local government through~~  
137 ~~the selected depository.~~

138 Section 5. Section 532.01, Florida Statutes, is amended to  
139 read:

140 532.01 Payment by check, draft, or other order for  
141 payment.--Any order, check, draft, note, memorandum, payroll  
142 debit card, or other acknowledgment of indebtedness issued in  
143 payment of wages or salary due or to become due must be  
144 negotiable and payable in cash, on demand, without discount, at  
145 some established place of business in the state, the name and  
146 address of which must appear on the instrument or in the payroll  
147 debit card issuing materials, and at the time of its issuance,  
148 and for a reasonable time thereafter, which must be at least 30  
149 days, the maker or drawer must have sufficient funds or credit,  
150 arrangement, or understanding with the drawee for its payment.

151 Section 6. This act shall take effect July 1, 2009.

152  
153  
154 -----

**T I T L E A M E N D M E N T**

156 Remove the entire title and insert:

945997

Approved For Filing: 4/23/2009 1:56:42 PM

Amendment No.

157                                   A bill to be entitled  
158 An act relating to financial instruments; amending s. 17.57,  
159 F.S.; increasing the maximum percentage of funds under the  
160 control of the Chief Financial Officer to be invested in certain  
161 securities; deleting a provision relating to concurrent deposits  
162 by a unit of local government and customers of other federally  
163 insured financial institutions; requiring that the Chief  
164 Financial Officer and local governments deposit surplus funds in  
165 financial deposit instruments insured by the Federal Deposit  
166 Insurance Corporation rather than in certificates of deposit;  
167 providing for the expiration of such increase and the reversion  
168 of statutory text; creating s. 17.575, F.S.; creating the  
169 Treasury Investment Committee within the Division of Treasury;  
170 providing for membership on the committee; requiring that the  
171 committee annually elect a chair and vice chair from within its  
172 membership; providing duties of the committee; requiring that  
173 the committee submit an annual report on a specified date and  
174 annually thereafter outlining its activities and recommendations  
175 to the Chief Financial Officer and the Joint Legislative  
176 Auditing Committee; amending s. 218.415, F.S.; requiring that  
177 the Chief Financial Officer and local governments deposit  
178 surplus funds in financial deposit instruments insured by the  
179 Federal Deposit Insurance Corporation rather than in  
180 certificates of deposit; deleting a provision relating to  
181 concurrent deposits by a unit of local government and customers  
182 of other federally insured financial institutions; amending s.  
183 532.01, F.S.; including payroll debit cards under requirements  
184 applicable to payment instruments; providing an effective date.  
945997

Approved For Filing: 4/23/2009 1:56:42 PM