

By the Committee on Banking and Insurance; and Senator Richter

597-01764-14

2014564c1

1                   A bill to be entitled  
2       An act relating to security for public deposits;  
3       amending s. 280.02, F.S.; revising definitions;  
4       amending s. 280.03, F.S.; clarifying provisions  
5       relating to public deposits that are exempt from state  
6       security requirements; amending s. 280.04, F.S.;  
7       lowering the collateral-pledging level for public  
8       deposits; amending s. 280.05, F.S.; conforming  
9       provisions to changes made by the act; amending s.  
10      280.051, F.S.; updating terms; repealing s. 280.071,  
11      F.S., relating to the qualified public depository  
12      oversight board; amending s. 280.085, F.S.; providing  
13      that a notice of the default or insolvency of a  
14      qualified public depository is not required if the  
15      Florida public deposits are acquired by a bank,  
16      savings bank, or savings association; amending s.  
17      280.10, F.S.; providing that a bank, savings bank, or  
18      savings association that is not a qualified public  
19      depository and acquires Florida public deposits is  
20      subject to certain requirements; amending s. 280.11,  
21      F.S.; conforming provisions to changes made by the  
22      act; amending s. 280.16, F.S.; deleting obsolete  
23      provisions; revising provisions relating to required  
24      reports and forms; amending s. 280.17, F.S.; deleting  
25      obsolete provisions; deleting a provision requiring  
26      public depositories to request confirmation  
27      information from qualified public depositories by a  
28      certain date; providing that a protection from loss is  
29      effective when a public depositor does not comply with

597-01764-14

2014564c1

30 certain provisions under specified circumstances;  
31 providing an effective date.  
32

33 Be It Enacted by the Legislature of the State of Florida:  
34

35 Section 1. Section 280.02, Florida Statutes, is reordered  
36 and amended to read:

37 280.02 Definitions.—As used in this chapter, the term:

38 (1) "Affiliate" means an entity that is related through a  
39 parent corporation's controlling interest. The term also  
40 includes a ~~any~~ financial institution holding company or a ~~any~~  
41 subsidiary or service corporation of such holding company.

42 (2) "Alternative participation agreement" means an  
43 agreement of restrictions that a qualified public depository  
44 completes as an alternative to ~~immediately~~ withdrawing from the  
45 public deposits program due to financial condition.

46 (3) "Average daily balance" means the average daily balance  
47 of public deposits held during the reported month. The average  
48 daily balance shall ~~must~~ be determined by totaling, by account,  
49 the daily balances held by the depositor and ~~then~~ dividing the  
50 total by the number of calendar days in the month. Deposit  
51 insurance is then deducted from each account balance and the  
52 resulting amounts are totaled to obtain the average daily  
53 balance.

54 (4) "Average monthly balance" means the average monthly  
55 balance of public deposits held, ~~before deducting deposit~~  
56 ~~insurance,~~ by the depository during any 12 calendar months. The  
57 average monthly balance of the previous 12 calendar months shall  
58 ~~must~~ be determined by adding the average daily balance ~~before~~

597-01764-14

2014564c1

59 ~~deducting deposit insurance~~ for the reported month and the  
60 average daily balances ~~before deducting deposit insurance~~ for  
61 the 11 months preceding that month and dividing the total by 12.

62 (5) "Book-entry form" means that securities are not  
63 represented by a paper certificate but represented by an account  
64 entry on the records of a depository trust clearing system or,  
65 in the case of United States Government securities, a Federal  
66 Reserve Bank.

67 ~~(26)(6)~~ "Tangible equity capital" ~~"Capital account"~~ means  
68 total equity capital, as defined on the balance-sheet portion of  
69 the Consolidated Reports of Condition and Income or ~~(call~~  
70 ~~report) or the Thrift Financial Report,~~ less intangible assets,  
71 as submitted to the regulatory banking authority.

72 (7) "Collateral-pledging level," ~~for qualified public~~  
73 ~~depositories,~~ means the percentage of collateral required to be  
74 pledged by a qualified public depository as provided under ~~in~~ s.  
75 280.04 ~~by a financial institution.~~

76 (8) "Current month" means the month immediately following  
77 the month for which the monthly report is due from qualified  
78 public depositories.

79 (9) "Custodian" means the Chief Financial Officer or a ~~any~~  
80 bank, savings association, or trust company that:

81 (a) Is organized and existing under the laws of this state,  
82 any other state, or the United States;

83 (b) Has executed all forms required under this chapter or  
84 any rule adopted hereunder;

85 (c) Agrees to be subject to the jurisdiction of the courts  
86 of this state, or of the courts of the United States which are  
87 located within this state, for the purpose of any litigation

597-01764-14

2014564c1

88 arising out of this chapter; and

89 (d) Has been approved by the Chief Financial Officer to act  
90 as a custodian.

91 (10) "Default or insolvency" includes, without limitation,  
92 the failure or refusal of a qualified public depository to pay a  
93 ~~any~~ check or warrant drawn upon sufficient and collected funds  
94 by a ~~any~~ public depositor or to return a ~~any~~ deposit on demand  
95 or at maturity together with interest as agreed; the issuance of  
96 an order by a ~~any~~ supervisory authority restraining such  
97 depository from making payments of deposit liabilities; or the  
98 appointment of a receiver for such depository.

99 ~~(11) "Effective date of notice of withdrawal or order of~~  
100 ~~discontinuance" pursuant to s. 280.11(3) means that date which~~  
101 ~~is set out as such in any notice of withdrawal or order of~~  
102 ~~discontinuance from the Chief Financial Officer.~~

103 (11) ~~(12)~~ "Eligible collateral" means securities, Federal  
104 Home Loan Bank letters of credit, and cash, as designated in s.  
105 280.13.

106 (12) ~~(13)~~ "Financial institution" means, including, but not  
107 limited to, an association, bank, brokerage firm, credit union,  
108 industrial savings bank, savings and loan association, trust  
109 company, or other type of financial institution organized under  
110 the laws of this state or any other state of the United States  
111 and doing business in this state or any other state, in the  
112 general nature of the business conducted by banks and savings  
113 associations.

114 (13) ~~(14)~~ "Governmental unit" means the state or any county,  
115 school district, community college district, state university,  
116 special district, metropolitan government, or municipality,

597-01764-14

2014564c1

117 including any agency, board, bureau, commission, and institution  
118 of any of such entities, or any court.

119 (14)~~(15)~~ "Loss to public depositors" means loss of all  
120 principal and all interest or other earnings on the principal  
121 accrued or accruing as of the date the qualified public  
122 depository was declared in default or insolvent.

123 (15)~~(16)~~ "Market value" means the value of collateral  
124 calculated pursuant to s. 280.04.

125 (16)~~(17)~~ "Operating subsidiary" means the qualified public  
126 depository's 100 percent ~~100-percent~~ owned corporation that has  
127 ownership of pledged collateral. The operating subsidiary may  
128 not have ~~no~~ powers beyond those that its parent qualified public  
129 depository may itself exercise. The use of an operating  
130 subsidiary is at the discretion of the qualified public  
131 depository and must meet the Chief Financial Officer's  
132 requirements.

133 ~~(18) "Oversight board" means the qualified public~~  
134 ~~depository oversight board created in s. 280.071 for the purpose~~  
135 ~~of safeguarding the integrity of the public deposits program and~~  
136 ~~preventing the realization of loss assessments through~~  
137 ~~standards, policies, and recommendations for actions to the~~  
138 ~~Chief Financial Officer.~~

139 (17)~~(19)~~ "Pledged collateral" means securities or cash held  
140 separately and distinctly by an eligible custodian for the  
141 benefit of the Chief Financial Officer to be used as security  
142 for Florida public deposits. This includes maturity and call  
143 proceeds.

144 (18)~~(20)~~ "Pledgor" means the qualified public depository  
145 and, if one is used, operating subsidiary.

597-01764-14

2014564c1

146        (19)~~(21)~~ "Pool figure" means the total average monthly  
147 balances of public deposits held by all qualified public  
148 depositories during the immediately preceding 12-month period.

149        ~~(22) "Previous month" means the month or months immediately~~  
150 ~~preceding the month for which a monthly report is due from~~  
151 ~~qualified public depositories.~~

152        (20)~~(23)~~ "Public deposit" means the moneys of a  
153 governmental unit ~~the state or of any state university, county,~~  
154 ~~school district, community college district, special district,~~  
155 ~~metropolitan government, or municipality, including agencies,~~  
156 ~~boards, bureaus, commissions, and institutions of any of the~~  
157 ~~foregoing, or of any court,~~ and includes the moneys of all  
158 county officers, including constitutional officers, which ~~that~~  
159 are placed on deposit in a bank, savings bank, or savings  
160 association ~~and for which the bank, savings bank, or savings~~  
161 ~~association is required to maintain reserves.~~ This includes, but  
162 is not limited to, time deposit accounts, demand deposit  
163 accounts, and nonnegotiable certificates of deposit. Moneys in  
164 deposit notes and in other nondeposit accounts such as  
165 repurchase or reverse repurchase operations are not public  
166 deposits. Securities, mutual funds, and similar types of  
167 investments are not ~~considered~~ public deposits and are ~~shall~~ not  
168 ~~be~~ subject to ~~the provisions of~~ this chapter.

169        (21)~~(24)~~ "Public depositor" means the official custodian of  
170 funds for a governmental unit who is responsible for handling  
171 public deposits.

172        (22)~~(25)~~ "Public deposits program" means the Florida  
173 Security for Public Deposits Act contained in this chapter and  
174 any rule adopted under this chapter.

597-01764-14

2014564c1

175        ~~(23)(26)~~ "Qualified public depository" means a ~~any~~ bank,  
176 savings bank, or savings association that:

177            (a) Is organized and exists under the laws of the United  
178 States or, the laws of this state or any other state or  
179 territory of the United States.

180            (b) Has its principal place of business in this state or  
181 has a branch office in this state which is authorized under the  
182 laws of this state or of the United States to receive deposits  
183 in this state.

184            (c) Has deposit insurance pursuant to ~~under the provision~~  
185 ~~of~~ the Federal Deposit Insurance Act, as amended, 12 U.S.C. ss.  
186 1811 et seq.

187            (d) Has procedures and practices for accurate  
188 identification, classification, reporting, and collateralization  
189 of public deposits.

190            (e) Meets all the requirements of this chapter.

191            (f) Has been designated by the Chief Financial Officer as a  
192 qualified public depository.

193        ~~(24)(27)~~ "Reported month" means the month for which a  
194 monthly report is due from qualified public depositories.

195        ~~(25)(28)~~ "Required collateral" of a qualified public  
196 depository means eligible collateral having a market value equal  
197 to or in excess of the amount required under ~~pursuant to~~ s.  
198 280.04.

199        ~~(6)(29)~~ "Chief Financial Officer's custody" is a collateral  
200 arrangement governed by a contract between a designated Chief  
201 Financial Officer's custodian and the Chief Financial Officer.  
202 This arrangement requires that collateral ~~to~~ be in the Chief  
203 Financial Officer's name in order to perfect the security

597-01764-14

2014564c1

204 interest.

205 ~~(27)~~<sup>(30)</sup> "Triggering events" are events set out in s.  
206 280.041 which give the Chief Financial Officer the right to:

207 (a) Instruct the custodian to transfer securities pledged,  
208 interest payments, and other proceeds of pledged collateral not  
209 previously credited to the pledgor.

210 (b) Demand payment under letters of credit.

211 Section 2. Paragraph (e) of subsection (3) of section  
212 280.03, Florida Statutes, is amended to read:

213 280.03 Public deposits to be secured; prohibitions;  
214 exemptions.—

215 (3) The following are exempt from the requirements of, and  
216 protection under, this chapter:

217 (e) Public deposits that ~~which~~ are fully secured pursuant  
218 to a collateral requirement under federal regulations.

219 Section 3. Subsections (1) and (2) of section 280.04,  
220 Florida Statutes, are amended to read:

221 280.04 Collateral for public deposits; general provisions.—

222 (1) The Chief Financial Officer shall determine the  
223 collateral requirements and collateral-pledging ~~collateral~~  
224 ~~pledging~~ level for each qualified public depository following  
225 procedures established by rule. These procedures must ~~shall~~  
226 include numerical parameters for 25 percent, 50 percent, 110  
227 percent, and 150 percent ~~25 percent, 50 percent, 125 percent,~~  
228 ~~and 200 percent~~ pledge levels based on nationally recognized  
229 financial rating services information and established financial  
230 performance guidelines.

231 (2) A qualified public depository may not accept or retain  
232 any public deposit ~~which is~~ required to be secured unless it



597-01764-14

2014564c1

233 ~~deposits has deposited~~ with the Chief Financial Officer eligible  
234 collateral at least equal to the greater of:

235 (a) The average daily balance of public deposits which ~~that~~  
236 does not exceed the lesser of its tangible equity capital  
237 ~~account~~ or 20 percent of the pool figure multiplied by the  
238 depository's collateral-pledging level, plus the greater of:

239 1. One hundred ten ~~twenty-five~~ percent of the average daily  
240 balance of public deposits in excess of its tangible equity  
241 capital ~~accounts~~; or

242 2. One hundred ten ~~twenty-five~~ percent of the average daily  
243 balance of public deposits in excess of 20 percent of the pool  
244 figure.

245 (b) Twenty-five percent of the average monthly balance of  
246 public deposits.

247 (c) One hundred ten ~~twenty-five~~ percent of the average  
248 daily balance of public deposits if the qualified public  
249 depository:

250 1. Has been established for less than 3 years;

251 2. Has experienced material decreases in its tangible  
252 equity capital ~~accounts~~; or

253 3. Has an overall financial condition that is materially  
254 deteriorating.

255 (d) One ~~Two~~ hundred fifty percent of an established maximum  
256 amount of public deposits which ~~that~~ has been mutually agreed  
257 upon by and between the Chief Financial Officer and the  
258 qualified public depository.

259 (e) Minimum required collateral of \$100,000.

260 (f) An amount as required in special instructions from the  
261 Chief Financial Officer to protect the integrity of the public

597-01764-14

2014564c1

262 deposits program.

263 Section 4. Subsections (1), (2), (3), and (16) of section  
264 280.05, Florida Statutes, are amended to read:

265 280.05 Powers and duties of the Chief Financial Officer.—In  
266 fulfilling the requirements of this act, the Chief Financial  
267 Officer has the power to take the following actions he or she  
268 deems necessary to protect the integrity of the public deposits  
269 program:

270 ~~(1) Identify representative qualified public depositories~~  
271 ~~and furnish notification for the qualified public depository~~  
272 ~~oversight board selection pursuant to s. 280.071.~~

273 ~~(2) Provide data for the qualified public depository~~  
274 ~~oversight board duties pursuant to s. 280.071 regarding:~~

275 ~~(a) Establishing standards for qualified public~~  
276 ~~depositories and custodians.~~

277 ~~(b) Evaluating requests for exceptions to standards and~~  
278 ~~alternative participation agreements.~~

279 ~~(c) Reviewing and recommending action for qualified public~~  
280 ~~depository or custodian violations.~~

281 ~~(3) Review, implement, monitor, evaluate, and modify all or~~  
282 ~~any part of the standards, policies, or recommendations of the~~  
283 ~~qualified public depository oversight board.~~

284 (13) ~~(16)~~ Require the filing of the following reports, which  
285 the Chief Financial Officer shall process as provided:

286 (a) Qualified public depository monthly reports and  
287 schedules. The Chief Financial Officer shall review the reports  
288 of each qualified public depository for material changes in  
289 tangible equity capital accounts or changes in name, address, or  
290 type of institution; record the average daily balances of public

597-01764-14

2014564c1

291 deposits held; and monitor the collateral-pledging levels and  
292 required collateral.

293 (b) Quarterly regulatory reports from qualified public  
294 depositories. The Chief Financial Officer shall analyze  
295 qualified public depositories ranked in the lowest category  
296 based on established financial condition criteria.

297 (c) Qualified public depository annual reports and public  
298 depositor annual reports. The Chief Financial Officer shall  
299 compare public deposit information reported by qualified public  
300 depositories and public depositors. Such comparison shall be  
301 conducted for qualified public depositories that ~~which~~ are  
302 ranked in the lowest category based on established financial  
303 condition criteria of record on September 30. Additional  
304 comparison processes may be performed as public deposits program  
305 resources permit.

306 (d) Any related documents, reports, records, or other  
307 information deemed necessary by the Chief Financial Officer in  
308 order to ascertain compliance with this chapter.

309 Section 5. Subsections (2), (6), and (12) of section  
310 280.051, Florida Statutes, are amended to read:

311 280.051 Grounds for suspension or disqualification of a  
312 qualified public depository.—A qualified public depository may  
313 be suspended or disqualified or both if the Chief Financial  
314 Officer determines that the qualified public depository has:

315 (2) Submitted reports containing inaccurate or incomplete  
316 information regarding public deposits or collateral for such  
317 deposits, tangible equity capital ~~accounts~~, or the calculation  
318 of required collateral.

319 (6) Failed to furnish the Chief Financial Officer with

597-01764-14

2014564c1

320 prompt and accurate information, or failed to allow inspection  
321 and verification of any information, dealing with public  
322 deposits or dealing with the exact status of its tangible equity  
323 capital ~~accounts~~, or ~~any~~ other financial information that the  
324 Chief Financial Officer deems ~~determines~~ necessary to verify  
325 compliance with this chapter or any rule adopted pursuant to  
326 this chapter.

327 (12) Failed to execute or have the custodian execute a  
328 collateral control ~~public depository pledge~~ agreement before  
329 ~~prior to~~ using a custodian.

330 Section 6. Section 280.071, Florida Statutes, is repealed.

331 Section 7. Section 280.085, Florida Statutes, is amended to  
332 read:

333 280.085 Notice to claimants.-

334 (1) Upon determining the default or insolvency of a  
335 qualified public depository, the Chief Financial Officer shall  
336 notify, by first-class mail, all public depositors that have  
337 complied with s. 280.17 of such default or insolvency. The  
338 notice must ~~shall~~ direct all public depositors having claims or  
339 demands against the Public Deposits Trust Fund occasioned by the  
340 default or insolvency to file their claims with the Chief  
341 Financial Officer within 30 days after the date of the notice.

342 (a) (2) A ~~No~~ claim against the Public Deposits Trust Fund is  
343 binding on the fund only if ~~unless~~ presented within 30 days  
344 after the date of the notice.

345 (b) The notice is not required if the default or insolvency  
346 is resolved in a manner whereby all Florida public deposits are  
347 acquired by a bank, savings bank, or savings association.

348 (2) (3) This section does not affect any proceeding to:

597-01764-14

2014564c1

349 (a) Enforce any real property mortgage, chattel mortgage,  
350 security interest, or other lien on property of a qualified  
351 public depository that is in default or insolvency; or

352 (b) Establish liability of a qualified public depository  
353 that is in default or insolvency to the limits of any federal or  
354 other casualty insurance protection.

355 Section 8. Present subsections (3) through (6) of section  
356 280.10, Florida Statutes, are redesignated as subsections (4)  
357 through (7), respectively, and a new subsection (3) is added to  
358 that section, to read:

359 280.10 Effect of merger, acquisition, or consolidation;  
360 change of name or address.—

361 (3) If the default or insolvency of a qualified public  
362 depository results in the acquisition of all or part of its  
363 Florida public deposits by a bank, savings bank, or savings  
364 association that is not a qualified public depository, such  
365 bank, savings bank, or savings association is subject to  
366 subsection (1).

367 Section 9. Subsection (3) of section 280.11, Florida  
368 Statutes, is amended to read:

369 280.11 Withdrawal from public deposits program; return of  
370 pledged collateral.—

371 (3) A qualified public depository that ~~which~~ is required to  
372 withdraw from the public deposits program pursuant to s.  
373 280.05(17) may ~~s. 280.05(1)(b) shall~~ not receive or retain  
374 public deposits after the effective date of withdrawal. The  
375 contingent liability, required collateral, and reporting  
376 requirements of the withdrawing depository shall continue until  
377 the effective date of withdrawal. The effective date of

597-01764-14

2014564c1

378 withdrawal means the date set out as such in a notice of  
379 withdrawal ~~or (order of discontinuance)~~ from the Chief Financial  
380 Officer which is ~~shall be~~ mailed to the qualified public  
381 depository by registered or certified mail. Penalties incurred  
382 because of withdrawal from the public deposits program are ~~shall~~  
383 ~~be~~ the responsibility of the withdrawing depository.

384 Section 10. Subsection (1) of section 280.16, Florida  
385 Statutes, is amended to read:

386 280.16 Requirements of qualified public depositories;  
387 confidentiality.-

388 (1) In addition to any other requirements specified in this  
389 chapter, qualified public depositories shall:

390 (a) Take the following actions for each public deposit  
391 account:

392 1. Identify the account as a "Florida public deposit" on  
393 the deposit account record with the name of the public depositor  
394 or provide a unique code for the account for such designation.

395 2. When the form prescribed by the Chief Financial Officer  
396 for acknowledgment of receipt of each public deposit account is  
397 presented to the qualified public depository by the public  
398 depositor opening an account, the qualified public depository  
399 shall execute and return the completed form to the public  
400 depositor.

401 3. When the acknowledgment of receipt form is presented to  
402 the qualified public depository by the public depositor due to a  
403 change of account name, account number, or qualified public  
404 depository name on an existing public deposit account, the  
405 qualified public depository shall execute and return the  
406 completed form to the public depositor within 45 calendar days

597-01764-14

2014564c1

407 after such presentation.

408 ~~4. When the acknowledgment of receipt form is presented to~~  
409 ~~the qualified public depository by the public depositor on an~~  
410 ~~account existing before July 1, 1998, the qualified public~~  
411 ~~depository shall execute and return the completed form to the~~  
412 ~~public depositor within 45 calendar days after such~~  
413 ~~presentation.~~

414 (b) Within 15 days after the end of each calendar month, or  
415 when requested by the Chief Financial Officer, submit to the  
416 Chief Financial Officer a written report, under oath, indicating  
417 the average daily balance of all public deposits held by it  
418 during the reported month, required collateral, a detailed  
419 schedule of all securities pledged as collateral, selected  
420 financial information, and any other information ~~that~~ the Chief  
421 Financial Officer deems ~~determines~~ necessary to administer this  
422 chapter.

423 (c) Provide to each public depositor annually by, ~~not later~~  
424 ~~than~~ October 30~~7~~, the following information on all open accounts  
425 identified as a "Florida public deposit" for that public  
426 depositor as of September 30, to be used for confirmation  
427 purposes: the federal employer identification number of the  
428 qualified public depository, the name on the deposit account  
429 record, the federal employer identification number on the  
430 deposit account record, and the account number, account type,  
431 and actual account balance on deposit. Any discrepancy found in  
432 the confirmation process must ~~shall~~ be reconciled before  
433 November 30.

434 (d) Submit to the Chief Financial Officer annually by, ~~not~~  
435 ~~later than~~ November 30~~7~~, a report of all public deposits held for

597-01764-14

2014564c1

436 the credit of all public depositors at the close of business on  
437 September 30. Such annual report must ~~shall~~ consist of public  
438 deposit information in a report format prescribed by the Chief  
439 Financial Officer. The manner of required filing may be as a  
440 signed writing or electronic data transmission, at the  
441 discretion of the Chief Financial Officer.

442 ~~(c) Submit to the Chief Financial Officer not later than~~  
443 ~~the date required to be filed with the federal agency:~~

444 1. ~~A copy of the quarterly Consolidated Reports of~~  
445 ~~Condition and Income, and any amended reports, required by the~~  
446 ~~Federal Deposit Insurance Act, 12 U.S.C. ss. 1811 et seq., if~~  
447 ~~such depository is a bank; or~~

448 2. ~~A copy of the Thrift Financial Report, and any amended~~  
449 ~~reports, required to be filed with the Office of Thrift~~  
450 ~~Supervision if such depository is a savings and loan~~  
451 ~~association.~~

452 Section 11. Subsections (2), (5), and (8) of section  
453 280.17, Florida Statutes, are amended to read:

454 280.17 Requirements for public depositors; notice to public  
455 depositors and governmental units; loss of protection.—In  
456 addition to any other requirement specified in this chapter,  
457 public depositors shall comply with the following:

458 ~~(2) Beginning July 1, 1998, Each public depositor shall~~  
459 ~~take the following actions~~ For each public deposit account, the  
460 public depositor shall:

461 (a) Ensure that the name of the public depositor is on the  
462 account or certificate or other form provided to the public  
463 depositor by the qualified public depository in a manner  
464 sufficient to identify that the account is a Florida public



597-01764-14

2014564c1

465 deposit.

466 (b) Execute a form prescribed by the Chief Financial  
467 Officer for identification of each public deposit account and  
468 obtain acknowledgment of receipt on the form from the qualified  
469 public depository at the time of opening the account. Such  
470 public deposit identification and acknowledgment form shall be  
471 replaced with a current form as required in subsection (3). A  
472 ~~public deposit account existing before July 1, 1998, must have a~~  
473 ~~form completed before September 30, 1998.~~

474 (c) Maintain the current public deposit identification and  
475 acknowledgment form as a valuable record. Such form is mandatory  
476 for filing a claim with the Chief Financial Officer upon the  
477 default or insolvency of a qualified public depository.

478 (5) Each public depositor shall ~~confirm~~ annually confirm  
479 that public deposit information as of the close of business on  
480 September 30 has been provided by each qualified public  
481 depository and is in agreement with public depositor records.  
482 Such confirmation must ~~shall~~ include the federal employer  
483 identification number of the qualified public depository, the  
484 name on the deposit account record, the federal employer  
485 identification number on the deposit account record, and the  
486 account number, account type, and actual account balance on  
487 deposit. ~~Public depositors shall request such confirmation~~  
488 ~~information from qualified public depositories on or before the~~  
489 ~~fifth calendar day of October and shall allow until October 31~~  
490 ~~to receive such information.~~ Any discrepancy found in the  
491 confirmation process must ~~shall~~ be resolved ~~reconciled~~ before  
492 November 30.

493 (8) If a public depositor does not comply with this section

597-01764-14

2014564c1

494 with respect to ~~on~~ each public deposit account, the protection  
495 from loss provided under ~~in~~ s. 280.18 is not effective as to  
496 that public deposit account. However, if a public depositor  
497 fails to present the form prescribed by the Chief Financial  
498 Officer for identifying public deposit accounts, the protection  
499 from loss provided under s. 280.18 is effective if the Chief  
500 Financial Officer determines that the defaulting depository has  
501 classified, reported, and collateralized the account as public  
502 deposits.

503 Section 12. This act shall take effect July 1, 2014.