

1 A bill to be entitled

2 An act relating to financial institutions; amending s.  
3 655.005, F.S.; revising the definition of the term  
4 "related interest"; creating s. 655.017, F.S.;  
5 preempting regulation of the activities and operations  
6 of financial institutions to the state; providing for  
7 counties and municipalities to engage in  
8 investigations and proceedings against financial  
9 institutions that are not preempted; providing for the  
10 Office of Financial Regulation's sole and exclusive  
11 jurisdiction in certain cases; providing for the  
12 Department of Legal Affairs and law enforcement  
13 agencies to engage in certain proceedings; amending s.  
14 655.0322, F.S.; revising provisions relating to  
15 prohibited acts and practices by a financial  
16 institution; applying certain provisions to  
17 affiliates; amending s. 655.034, F.S.; authorizing the  
18 circuit court to issue an injunction in order to  
19 protect the public's interest in the safety and  
20 soundness of the financial institution system;  
21 amending s. 655.037, F.S.; conforming a cross-  
22 reference; amending s. 655.0385, F.S.; prohibiting a  
23 director or executive officer of a state financial  
24 institution or affiliate from concurrently serving as  
25 a director or officer in a nonaffiliated financial  
26 institution or affiliate in the same geographical area

27 or the same major business market area unless waived  
28 by the office; amending s. 655.041, F.S.; revising  
29 provisions relating to administrative fines;  
30 clarifying that the office may initiate administrative  
31 proceedings for violations of rules; providing that  
32 fines for violations begin accruing immediately upon  
33 the service of a complaint; applying certain  
34 provisions to affiliates; revising the conditions for  
35 imposing a fine; amending s. 655.045, F.S.; requiring  
36 the office to conduct an examination of a financial  
37 institution within a specified period; amending s.  
38 655.057, F.S.; conforming a cross-reference; providing  
39 that specified records are not considered a waiver of  
40 privileges or legal rights in certain proceedings;  
41 clarifying who has a right to copy member or  
42 shareholder records; creating s. 655.0591, F.S.;  
43 providing notice requirements and procedures that  
44 allow a financial institution to protect trade secrets  
45 included in documents submitted to the office;  
46 amending s. 655.50, F.S.; amending provisions relating  
47 to the control of money laundering to also include  
48 terrorist financing; adding and revising definitions;  
49 requiring a financial institution to have a BSA/AML  
50 compliance officer; updating cross-references;  
51 amending s. 655.85, F.S.; clarifying that an  
52 institution may impose a fee for the settlement of a

53 check under certain circumstances; providing  
54 applicability; providing legislative intent; amending  
55 s. 655.921, F.S.; revising provisions relating to  
56 business transactions by an out-of-state financial  
57 institution; providing that such institution may file  
58 suit in any state court to collect a security interest  
59 in collateral; amending s. 655.922, F.S.; revising  
60 provisions relating to the name of a financial  
61 institution; prohibiting certain financial  
62 institutions from using a name that may mislead  
63 consumers; authorizing the office to seek court orders  
64 to annul or dissolve a business entity for certain  
65 violations and to issue emergency cease and desist  
66 orders; amending s. 655.948, F.S.; requiring financial  
67 institutions to provide notice of civil investigations  
68 or civil or administrative proceedings by counties or  
69 municipalities within a specified time period;  
70 exempting such institutions from liability in certain  
71 circumstances; creating s. 655.955, F.S.; providing  
72 that a financial institution is not civilly liable  
73 solely for extending a loan or line of credit;  
74 amending s. 657.008, F.S.; requiring certain credit  
75 unions seeking to establish a branch office to submit  
76 an application to the office for examination and  
77 approval; providing the criteria for the examination;  
78 amending s. 657.028, F.S.; revising provisions

79 relating to prohibited activities of directors,  
 80 officers, committee members, employees, and agents of  
 81 credit unions; requiring the name and address of the  
 82 credit manager to be submitted to the office; amending  
 83 s. 657.041, F.S.; authorizing a credit union to pay  
 84 health and accident insurance premiums and to fund  
 85 employee benefit plans under certain circumstances;  
 86 amending s. 658.12, F.S.; revising the definition of  
 87 the term "trust business"; amending ss. 658.21 and  
 88 658.235, F.S.; conforming cross-references; repealing  
 89 s. 658.49, F.S., relating to requirements for bank  
 90 loans up to \$50,000; amending ss. 663.02, 663.09,  
 91 663.306, F.S.; conforming provisions to changes made  
 92 by the act; amending s. 663.12, F.S.; deleting an  
 93 annual assessment imposed on certain international  
 94 offices; amending ss. 665.013, 665.033, 665.034,  
 95 667.003, 667.006, and 667.008, F.S.; conforming cross-  
 96 references; making editorial changes; providing an  
 97 effective date.

98  
 99 Be It Enacted by the Legislature of the State of Florida:

100  
 101 Section 1. Paragraph (t) of subsection (1) of section  
 102 655.005, Florida Statutes, is amended to read:

103 655.005 Definitions.—

104 (1) As used in the financial institutions codes, unless

105 the context otherwise requires, the term:

106 (t) "Related interest" means, with respect to a ~~any~~  
107 ~~person~~:

108 1. The person's spouse, ~~partner, sibling, parent,~~ child,  
109 or other dependent individual residing in the same household as  
110 the person; ~~With respect to any person, the term means~~

111 2. A company, partnership, corporation, or other business  
112 organization controlled by the person. A person has control if  
113 the person:

114 a.1. Owns, controls, or has the power to vote 25 percent  
115 or more of any class of voting securities of the organization;

116 b.2. Controls in any manner the election of a majority of  
117 the directors of the organization; or

118 c.3. Has the power to exercise a controlling influence  
119 over the management or policies of the organization; or.

120 3. An individual, company, partnership, corporation, or  
121 other business organization that engages in a common business  
122 enterprise with the person. A common business enterprise exists  
123 if:

124 a. The expected source for repayment of a loan or  
125 extension of credit is the same for each borrower and neither  
126 borrower has another source of income from which the loan,  
127 together with the borrower's other obligations, may be fully  
128 repaid. An employer will not be treated as a source of repayment  
129 under this paragraph because of wages and salaries paid to an  
130 employee, unless the standards of sub-subparagraph b. are met;

131 b. Loans or extensions of credit are made:  
 132 (I) To borrowers who are directly or indirectly related  
 133 through common control, including where one borrower is directly  
 134 or indirectly controlled by another borrower; and

135 (II) Substantial financial interdependence exists between  
 136 or among the borrowers. Substantial financial interdependence  
 137 exists if 50 percent or more of one borrower's gross receipts or  
 138 gross expenditures on an annual basis are derived from  
 139 transactions with the other borrower. Gross receipts and  
 140 expenditures include gross revenues and expenses, intercompany  
 141 loans, dividends, capital contributions, and similar receipts or  
 142 payments;

143 c. Separate persons borrow from a financial institution to  
 144 acquire a common business enterprise such that those borrowers  
 145 will own more than 50 percent of the voting securities or voting  
 146 interests of the enterprise, in which case a common business  
 147 enterprise is deemed to exist between the borrowers for purposes  
 148 of combining the acquisition loans; or

149 d. The office determines, based upon an evaluation of the  
 150 facts and circumstances of particular transactions, that a  
 151 common business enterprise exists.

152 Section 2. Section 655.017, Florida Statutes, is created  
 153 to read:

154 655.017 General rule.-

155 (1) All counties and municipalities of this state are  
 156 prohibited from enacting and enforcing ordinances, resolutions,

157 and rules regulating financial or lending activities, including  
158 ordinances, resolutions, and rules disqualifying persons from  
159 doing business with a county or municipality based upon lending  
160 interest rates or imposing reporting requirements or any other  
161 obligations upon persons regarding financial services or lending  
162 practices of persons or entities, and any subsidiaries or  
163 affiliates thereof, who:

164 (a) Are subject to the jurisdiction of the office,  
165 pursuant to the financial institutions codes.

166 (b) Are subject to the jurisdiction of the Board of  
167 Governors of the Federal Reserve System, the Office of the  
168 Comptroller of the Currency, the National Credit Union  
169 Administration, the Federal Deposit Insurance Corporation, the  
170 Federal Trade Commission, or the United States Department of  
171 Housing and Urban Development.

172 (c) Originate, purchase, sell, assign, secure, or service  
173 property interests or obligations created by financial  
174 transactions or loans made, executed, or originated by persons  
175 referred to in paragraph (a) or paragraph (b) to assist or  
176 facilitate such transactions.

177 (d) Are chartered by the United States Congress to engage  
178 in secondary market mortgage transactions.

179 (2) (a) This section does not prevent a county or  
180 municipality from engaging in a civil investigation or from  
181 initiating an administrative proceeding or commencing a civil  
182 proceeding before a court of competent jurisdiction to determine

183 compliance with or to enforce a statute of this state, a  
184 regulation or order of a state agency, or a rule or ordinance of  
185 any county or municipality of this state that is not preempted  
186 pursuant to subsection (1).

187 (b) Notwithstanding paragraph (a), each financial  
188 institution must report any civil investigation or civil or  
189 administrative proceeding by a county or municipality in  
190 accordance with s. 655.948. The office has the sole and  
191 exclusive jurisdiction to initiate appropriate administrative or  
192 civil proceedings to enforce any applicable laws, rules, or  
193 regulations to the extent the office determines that such county  
194 or municipal investigation or proceeding:

195 1. Is based on a local ordinance, resolution, or rule that  
196 is preempted pursuant to subsection (1); or

197 2. Directly and specifically regulates the manner,  
198 content, or terms and conditions of any financial transaction or  
199 any account related thereto, as may be authorized for financial  
200 institutions to engage in, or prevents, significantly interferes  
201 with, or alters the exercise of powers granted to a financial  
202 institution under the financial institutions codes or by any  
203 applicable federal law or regulation.

204 (c) This section does not limit or restrict the powers of  
205 the Department of Legal Affairs or the law enforcement agencies  
206 of this state to commence criminal proceedings and does not  
207 limit or restrict the powers of the Department of Legal Affairs  
208 to bring a civil action.

209 Section 3. Section 655.0322, Florida Statutes, is amended  
 210 to read:

211 655.0322 Prohibited acts and practices; criminal  
 212 penalties.—

213 (1) As used in this section, the term "financial  
 214 institution" means a financial institution as defined in s.  
 215 655.005 ~~s. 655.50 which includes a state trust company, state or~~  
 216 ~~national bank, state or federal association, state or federal~~  
 217 ~~savings bank, state or federal credit union, Edge Act or~~  
 218 ~~agreement corporation, international bank agency, international~~  
 219 ~~branch, representative office or administrative office or other~~  
 220 business entity as defined by the commission by rule, whether  
 221 organized under the laws of this state, the laws of another  
 222 state, or the laws of the United States, which ~~institution~~ is  
 223 located in this state.

224 (2) ~~A It is unlawful for any~~ financial institution-  
 225 affiliated party may not ~~to~~ ask for, or willfully and knowingly  
 226 receive or consent to receive for the party or any related  
 227 interest, a ~~any~~ commission, emolument, gratuity, money,  
 228 property, or thing of value for:

229 (a) Procuring, or endeavoring to procure, for any person a  
 230 loan or extension of credit from such financial institution,  
 231 affiliate, subsidiary, or service corporation; or

232 (b) Procuring, or endeavoring to procure, the purchase or  
 233 discount of any note, draft, check, bill of exchange, or other  
 234 obligation by such financial institution, affiliate, subsidiary,

235 or service corporation.

236

237 Any person who violates this subsection commits ~~is guilty of~~ a  
 238 felony of the third degree, punishable as provided in s.  
 239 775.082, s. 775.083, or s. 775.084.

240 (3) A ~~It is unlawful for any~~ financial institution-  
 241 affiliated party may not ~~to~~:

242 (a) Knowingly receive or possess ~~himself or herself~~ of any  
 243 of such financial institution's ~~its~~ property other ~~otherwise~~  
 244 than in payment of a just demand, or ~~and~~, with intent to deceive  
 245 or defraud, to omit to make or cause to be made a full and true  
 246 entry thereof in the financial institution's ~~its~~ books and  
 247 accounts, or concur in omitting to make any material entry  
 248 thereof;

249 (b) Embezzle, abstract, or misapply any money, property,  
 250 or thing of value of such ~~the~~ financial institution, affiliate,  
 251 subsidiary, or service corporation with intent to deceive or  
 252 defraud the ~~such~~ financial institution, affiliate, subsidiary,  
 253 or service corporation;

254 (c) Knowingly make, draw, issue, put forth, or assign any  
 255 certificate of deposit, draft, order, bill of exchange,  
 256 acceptance, note, debenture, bond or other obligation, mortgage,  
 257 judgment, or decree without authority from the board of  
 258 directors of such financial institution;

259 (d) Make a ~~any~~ false entry in any book, report, or  
 260 statement of such financial institution, affiliate, subsidiary,

261 or service corporation with intent to deceive or defraud the  
 262 ~~such~~ financial institution, affiliate, subsidiary, or service  
 263 corporation, or another person, firm, or corporation, or with  
 264 intent to deceive the office, any other appropriate federal or  
 265 state regulatory agency, or an ~~any~~ authorized representative  
 266 appointed to examine the affairs of the ~~such~~ financial  
 267 institution, affiliate, subsidiary, or service corporation; or

268 (e) Deliver or disclose to the office or ~~any~~ of its  
 269 employees an application, ~~any~~ examination report, report of  
 270 condition, report of income and dividends, internal audit,  
 271 account, statement, or other document known by the party ~~him or~~  
 272 ~~her~~ to be fraudulent or false as to any material matter.

273  
 274 Any person who violates this subsection commits ~~is guilty of~~ a  
 275 felony of the third degree, punishable as provided in s.  
 276 775.082, s. 775.083, or s. 775.084.

277 (4) A ~~It is unlawful for any~~ financial institution-  
 278 affiliated party may not ~~to~~ knowingly place among the assets of  
 279 such financial institution, affiliate, subsidiary, or service  
 280 corporation any note, obligation, or security that ~~which~~ the  
 281 financial institution, affiliate, subsidiary, or service  
 282 corporation does not own or that, ~~which~~ to the party's  
 283 ~~individual's~~ knowledge, is fraudulent or otherwise worthless or  
 284 for the financial institution-affiliated party ~~any such~~  
 285 ~~individual~~ to represent to the office that any note, obligation,  
 286 or security carried as an asset of such financial institution,

287 affiliate, subsidiary, or service corporation is the property of  
 288 the financial institution, affiliate, subsidiary, or service  
 289 corporation and is genuine if it is known to such party  
 290 ~~individual~~ that such representation is false or that the ~~such~~  
 291 note, obligation, or security is fraudulent or otherwise  
 292 worthless. Any person who violates this subsection commits ~~is~~  
 293 ~~guilty of~~ a felony of the third degree, punishable as provided  
 294 in s. 775.082, s. 775.083, or s. 775.084.

295 (5) Any person who willfully makes a ~~any~~ false statement  
 296 or report, or willfully overvalues any land, property, or  
 297 security, for the purposes of influencing in any way the action  
 298 of a ~~any~~ financial institution, affiliate, subsidiary, or  
 299 service corporation or any other entity authorized by law to  
 300 extend credit, upon an ~~any~~ application, advance, discount,  
 301 purchase, purchase agreement, repurchase agreement, commitment,  
 302 or loan, or any change or extension of ~~any of~~ the same, by  
 303 renewal, deferment of action or otherwise, or the acceptance,  
 304 release, or substitution of security therefor, commits ~~is guilty~~  
 305 ~~of~~ a felony of the second degree, punishable as provided in s.  
 306 775.082, s. 775.083, or s. 775.084.

307 (6) Any person who knowingly executes, or attempts to  
 308 execute, a scheme or artifice to defraud a financial  
 309 institution, affiliate, subsidiary, or service corporation or  
 310 any other entity authorized by law to extend credit, or to  
 311 obtain ~~any of~~ the moneys, funds, credits, assets, securities, or  
 312 other property owned by, or under the custody or control of, a

313 financial institution, affiliate, subsidiary, service  
314 corporation, or ~~any~~ other entity authorized by law to extend  
315 credit, by means of false or fraudulent pretenses,  
316 representations, or promises, commits ~~is guilty of~~ a felony of  
317 the second degree, punishable as provided in s. 775.082, s.  
318 775.083, or s. 775.084.

319 Section 4. Section 655.034, Florida Statutes, is amended  
320 to read:

321 655.034 Injunctions.—

322 (1) If the office determines that ~~Whenever~~ a violation of  
323 the financial institutions codes or a violation of formal  
324 enforcement action has occurred or is threatened or impending  
325 ~~and such violation will cause substantial injury to a state~~  
326 ~~financial institution or to the depositors, members, creditors,~~  
327 ~~or stockholders thereof~~, the circuit court has jurisdiction to  
328 hear a ~~any~~ complaint filed by the office and, upon proper  
329 showing, to issue an injunction restraining such violation or  
330 granting other ~~such~~ appropriate relief. Upon proper showing, the  
331 circuit court may also issue an injunction restraining any  
332 conduct or other act in order to protect the interests of  
333 depositors, members, creditors, or stockholders of a financial  
334 institution, or the interests of the public, in the safety and  
335 soundness of the financial institution system in this state and  
336 the proper conduct of fiduciary functions.

337 (2) For the purposes of this section, the term "formal  
338 enforcement action" means:

339        (a) With regard to a financial institution as defined in  
 340 s. 655.005(1)(i), a supervisory action that is subject to  
 341 enforcement pursuant to s. 655.033, s. 655.037, or s. 655.041,  
 342 directing that the financial institution take corrective actions  
 343 to address violations of law or safety and soundness  
 344 deficiencies.

345        (b) With regard to a person or entity that is not a  
 346 financial institution as defined in s. 655.005(1)(i), any order  
 347 issued by the office pursuant the financial institutions codes  
 348 that is directed to such person or entity.

349        Section 5. Subsection (1) of section 655.037, Florida  
 350 Statutes, is amended to read:

351        655.037 Removal of a financial institution-affiliated  
 352 party by the office.—

353        (1) The office may issue and serve upon any financial  
 354 institution-affiliated party and upon the ~~state~~ financial  
 355 institution, subsidiary, or service corporation involved, a  
 356 complaint stating charges if ~~whenever~~ the office has reason to  
 357 believe that the financial institution-affiliated party is  
 358 engaging or has engaged in conduct that is:

359        (a) An unsafe or unsound practice;

360        (b) A prohibited act or practice;

361        (c) A willful violation of any law relating to financial  
 362 institutions;

363        (d) A violation of any other law involving fraud or moral  
 364 turpitude which constitutes a felony;

365 (e) A violation of s. 655.50, relating to the ~~Florida~~  
 366 control of money laundering and terrorist financing ~~in Financial~~  
 367 ~~Institutions Act~~; chapter 896, relating to offenses related to  
 368 financial transactions; or ~~any~~ similar state or federal law;

369 (f) A willful violation of any rule of the commission;

370 (g) A willful violation of any order of the office;

371 (h) A willful breach of any written agreement with the  
 372 office; or

373 (i) An act of commission or omission or a practice which  
 374 is a breach of trust or a breach of fiduciary duty.

375 Section 6. Subsections (4) and (5) of section 655.0385,  
 376 Florida Statutes, are renumbered as subsections (5) and (6),  
 377 respectively, and a new subsection (4) is added to that section  
 378 to read:

379 655.0385 Disapproval of directors and executive officers.—

380 (4) A director or executive officer of a state financial  
 381 institution or affiliate may not concurrently serve as a  
 382 director, or be employed as an officer, of a nonaffiliated  
 383 financial institution or affiliate whose principal place of  
 384 business is located in the same metropolitan statistical area in  
 385 this state. A person affected by this prohibition may provide  
 386 written notice to the office of the proposed appointment or  
 387 employment. Such notice may provide information that the  
 388 concurrent service does not present a conflict of interest and  
 389 that neither institution is competitively disadvantaged in the  
 390 common market area. The office may waive this prohibition if the

391 information provided demonstrates that the individual's proposed  
 392 concurrent service does not present a conflict of interest and  
 393 neither institution is competitively disadvantaged in the common  
 394 market area. A person who violates this subsection is subject to  
 395 suspension, removal, or prohibition under s. 655.037.

396 Section 7. Section 655.041, Florida Statutes, is amended  
 397 to read:

398 655.041 Administrative fines; enforcement.—

399 (1) The office may, by complaint, initiate a proceeding  
 400 pursuant to chapter 120 to impose an administrative fine against  
 401 any person found to have violated a ~~any~~ provision of the  
 402 financial institutions codes or the rules adopted thereunder, an  
 403 ~~or a cease and desist~~ order of the office, or a ~~any~~ written  
 404 agreement with the office. Such ~~No such~~ proceeding may not ~~shall~~  
 405 be initiated ~~and no fine shall accrue pursuant to this section~~  
 406 until after such person has been notified in writing of the  
 407 nature of the violation and ~~has been~~ afforded a reasonable  
 408 period of time, as set forth in the notice, to correct the  
 409 violation and has failed to do so. If the office provided such  
 410 notice, a fine for a violation of an office order or written  
 411 agreement begins to accrue immediately upon service of the  
 412 complaint and continues to accrue until the violation is  
 413 corrected.

414 (2) ~~Any~~ Such fine may not exceed \$2,500 per a day for each  
 415 violation except as provided in this section.

416 (a) If the office determines that ~~any~~ such person has

417 | recklessly violated a ~~any~~ provision of the financial  
418 | institutions codes, an ~~or a cease and desist~~ order of the  
419 | office, or a ~~any~~ written agreement with the office, which  
420 | violation results in more than a minimal loss to a financial  
421 | institution, affiliate, subsidiary, or service corporation, or  
422 | in a pecuniary benefit to such person, the office may impose a  
423 | fine of up to ~~not exceeding~~ \$10,000 per ~~a~~ day for each day the  
424 | violation continues.

425 |       (b) If the office determines that ~~any~~ such person has  
426 | knowingly violated a ~~any~~ provision of the financial institutions  
427 | codes, an ~~or a cease and desist~~ order of the office, or a ~~any~~  
428 | written agreement with the office, which violation results in  
429 | more than a minimal loss to a financial institution, affiliate,  
430 | subsidiary, or service corporation, or in a pecuniary benefit to  
431 | such ~~a~~ person, the office may impose a fine of up to ~~not~~  
432 | ~~exceeding~~ the lesser of \$500,000 per day or 1 percent of the  
433 | total assets in the case of a financial institution, or \$50,000  
434 | per day in any other case for each day the violation continues.

435 |       (c) The office may by complaint impose an administrative  
436 | fine of up to, ~~not exceeding~~ \$10,000 per a ~~day on a,~~ upon any  
437 | financial institution-affiliated party; on, ~~and upon~~ a state  
438 | financial institution, subsidiary, service corporation, or  
439 | affiliate; or on a person subject to supervision by the office  
440 | pursuant to s. 655.0391 if the entity or person, ~~who~~ refuses to  
441 | permit an examiner to examine a state financial institution,  
442 | subsidiary, or service corporation; ~~who~~ refuses to permit an

443 examiner to review the books and records of an affiliate or a  
 444 contracting service entity subject to supervision by the office  
 445 pursuant to s. 655.0391; ~~or who refuses~~ to give an examiner any  
 446 information required in the course of an ~~any~~ examination or  
 447 review of the books and records.

448 (3) An ~~Any~~ administrative fine levied by the office may be  
 449 enforced by the office ~~by appropriate proceedings~~ in the circuit  
 450 court of the county in which such person resides or in which the  
 451 principal office of a state financial institution, affiliate,  
 452 subsidiary, service corporation, or contracting service entity  
 453 is located or does business in the state. In any administrative  
 454 or judicial proceeding arising under this section, a party may  
 455 elect to correct the violation asserted by the office and, upon  
 456 doing so, any fine ceases to accrue; however, an election to  
 457 correct the violation does not render an ~~any~~ administrative or  
 458 judicial proceeding moot.

459 Section 8. Section 655.045, Florida Statutes, is amended  
 460 to read:

461 655.045 Examinations, reports, and internal audits;  
 462 penalty.—

463 (1) The office shall conduct an examination of the  
 464 condition of each state financial institution at least every 18  
 465 months ~~during each 18-month period.~~ The office may conduct more  
 466 frequent examinations based upon the risk profile of the  
 467 financial institution, prior examination results, or significant  
 468 changes in the institution or its operations. The office may use

469 continuous, phase, or other flexible scheduling examination  
470 methods for very large or complex state financial institutions  
471 and financial institutions owned or controlled by a multi-  
472 financial institution holding company. The office shall consider  
473 examination guidelines from federal regulatory agencies in order  
474 to facilitate, coordinate, and standardize examination  
475 processes.

476 (a) ~~With respect to, and examination of, the condition of~~  
477 ~~a state institution,~~ The office may accept an examination of a  
478 state financial institution made by an appropriate federal  
479 regulatory agency~~,~~ or may conduct ~~make~~ a joint or concurrent  
480 examination of the institution with the federal agency. However,  
481 at least once during each 36-month period beginning July 1,  
482 2014, the office shall conduct an examination of each state  
483 financial institution in a manner that allows the preparation of  
484 a complete examination report not subject to the right of a  
485 federal or other non-Florida entity to limit access to the  
486 information contained therein. The office may furnish a copy of  
487 all examinations or reviews made of financial institutions or  
488 their affiliates to the state or federal agencies participating  
489 in the examination, investigation, or review, or as otherwise  
490 authorized under ~~by~~ s. 655.057.

491 (b) If, as a part of an examination or investigation of a  
492 state financial institution, subsidiary, or service corporation,  
493 the office has reason to believe that the conduct or business  
494 operations of an affiliate may have a negative impact on the

495 state financial institution, subsidiary, or service corporation,  
496 the office may conduct such examination or investigation of the  
497 affiliate as the office deems necessary.

498 (c) The office may recover the costs of examination and  
499 supervision of a state financial institution, subsidiary, or  
500 service corporation that is determined by the office to be  
501 engaged in an unsafe or unsound practice. The office may also  
502 recover the costs of a ~~any~~ review conducted pursuant to  
503 paragraph (b) of an ~~any~~ affiliate of a state financial  
504 institution determined by the office to have contributed to an  
505 unsafe or unsound practice at a state financial institution,  
506 subsidiary, or service corporation.

507 (d) As used in ~~For the purposes of~~ this section, the term  
508 "costs" means the salary and travel expenses directly  
509 attributable to the field staff examining the state financial  
510 institution, subsidiary, or service corporation, and the travel  
511 expenses of any supervisory staff required as a result of  
512 examination findings. The mailing of any costs incurred under  
513 this subsection must be postmarked within 30 days after the date  
514 of receipt of a notice stating that such costs are due. The  
515 office may levy a late payment of up to \$100 per day or part  
516 thereof that a payment is overdue, unless excused for good  
517 cause. However, for intentional late payment of costs, the  
518 office may levy an administrative fine of up to \$1,000 per day  
519 for each day the payment is overdue.

520 (e) The office may require an audit of a state financial

521 institution, subsidiary, or service corporation by an  
522 independent certified public accountant, ~~or other person~~  
523 approved by the office, ~~if the office,~~ after conducting an  
524 examination of the state financial institution, subsidiary, or  
525 service corporation, or after accepting an examination of the  
526 ~~such~~ state financial institution by an appropriate state or  
527 federal regulatory agency, determines that an audit is necessary  
528 in order to ascertain the condition of the financial  
529 institution, subsidiary, or service corporation. The cost of  
530 such audit shall be paid by the state financial institution,  
531 subsidiary, or state service corporation audited.

532 (2) ~~(a)~~ Each state financial institution, subsidiary, or  
533 service corporation shall submit a report, at least four times  
534 each calendar year, on as-of-such dates determined by ~~as~~ the  
535 commission or office ~~determines~~. The ~~Such~~ report must include  
536 such information as the commission by rule requires for that  
537 type of institution.

538 (a) ~~(b)~~ The office shall levy an administrative fine of up  
539 to \$100 per day for each day the report is past due, unless it  
540 is excused for good cause. ~~However,~~

541 (b) For an intentional late filing of the report ~~required~~  
542 ~~under paragraph (a)~~, the office shall levy an administrative  
543 fine of up to \$1,000 per day for each day the report is past  
544 due.

545 (3) ~~(a)~~ The board of directors of each state financial  
546 institution or, in the case of a credit union, the supervisory

547 | committee or audit committee shall perform or cause to be  
548 | performed, within each calendar year, an internal audit of each  
549 | state financial institution, subsidiary, or service corporation  
550 | and ~~to~~ file a copy of the report and findings of such audit with  
551 | the office on a timely basis. The ~~Such~~ internal audit must  
552 | include such information as the commission by rule requires for  
553 | that type of institution.

554 | (a) ~~(b)~~ With the approval of the office, the board of  
555 | directors or, in the case of a credit union, the supervisory  
556 | committee may elect, in lieu of such periodic audits, to adopt  
557 | and implement an adequate continuous audit system and procedure  
558 | that includes ~~which must include~~ full, adequate, and continuous  
559 | written reports to, and review by, the board of directors or, in  
560 | the case of a credit union, the supervisory committee, together  
561 | with written statements of the actions taken thereon and reasons  
562 | for omissions to take actions, all of which shall be noted in  
563 | the minutes and filed among the records of the board of  
564 | directors or, in the case of a credit union, the supervisory  
565 | committee. If at any time such continuous audit system and  
566 | procedure, including the reports and statements, becomes  
567 | inadequate, in the judgment of the office, the state financial  
568 | institution shall promptly make such changes as may be required  
569 | by the office to cause the same to accomplish the purpose of  
570 | this section.

571 | (b) ~~(c)~~ A ~~Any~~ de novo state financial institution open less  
572 | than 4 months is exempt from the audit requirements of this

573 section.

574 (4) A copy of the report of each examination must be  
 575 furnished to the entity examined and. ~~Such report shall be~~  
 576 presented to the board of directors at its next regular or  
 577 special meeting.

578 Section 9. Paragraph (a) of subsection (3) and subsections  
 579 (4) through (6) of section 655.057, Florida Statutes, are  
 580 amended to read:

581 655.057 Records; limited restrictions upon public access.-

582 (3) The provisions of this section do not prevent or  
 583 restrict:

584 (a) Publishing reports that are required to be submitted  
 585 to the office pursuant to s. 655.045(2) ~~(a)~~ or required by  
 586 applicable federal statutes or regulations to be published.

587  
 588 Any confidential information or records obtained from the office  
 589 pursuant to this subsection shall be maintained as confidential  
 590 and exempt from the provisions of s. 119.07(1).

591 (4) (a) Orders of courts or of administrative law judges  
 592 for the production of confidential records or information must  
 593 ~~shall~~ provide for inspection in camera ~~by the court or the~~  
 594 ~~administrative law judge~~ and, after the court or administrative  
 595 law judge determines ~~has made a determination~~ that the documents  
 596 requested are relevant or would likely lead to the discovery of  
 597 admissible evidence and that the information sought is not  
 598 otherwise reasonably available from other sources, the said

599 documents shall be subject to further orders by the court or the  
 600 administrative law judge to protect the confidentiality thereof.  
 601 An ~~Any~~ order directing the release of information is ~~shall be~~  
 602 immediately reviewable, and a petition by the office for review  
 603 of such order ~~shall~~ automatically stays ~~stay~~ further proceedings  
 604 in the trial court or the administrative hearing until the  
 605 disposition of such petition by the reviewing court. If any  
 606 other party files such a petition for review, it operates ~~will~~  
 607 ~~operate~~ as a stay of such proceedings only upon order of the  
 608 reviewing court.

609 (b) Confidential records and information furnished  
 610 pursuant to a legislative subpoena shall be kept confidential by  
 611 the legislative body or committee that ~~which~~ received the  
 612 records or information. However, ~~except~~ in a case involving  
 613 investigation of charges against a public official subject to  
 614 impeachment or removal, ~~and then~~ disclosure of such information  
 615 shall be only to the extent necessary as determined by the  
 616 legislative body or committee ~~to be necessary~~.

617 (c) A person providing documents, statements, books,  
 618 records, and any other information to the office pursuant to an  
 619 investigation, examination, or other supervisory activity by the  
 620 office does not waive any privilege or other legal right in an  
 621 administrative or legal proceeding in which the office is not a  
 622 party.

623 (5) Every credit union and mutual association shall  
 624 ~~maintain, in the principal office where its business is~~

625 ~~transacted,~~ full and correct records of the names and residences  
 626 of all the members of the credit union or mutual association in  
 627 the principal office where its business is transacted. Such  
 628 records are ~~shall be~~ subject to ~~the~~ inspection by ~~of~~ all ~~the~~  
 629 members of the credit union or mutual association, and the  
 630 officers authorized to assess taxes under state authority,  
 631 during normal business hours ~~of each business day.~~ No member or  
 632 any other person has the right to copy the membership records  
 633 for any purpose other than in the course of business of the  
 634 credit union or mutual association, as authorized by the office  
 635 or the board of directors of the credit union or mutual  
 636 association. A current list of members shall be made available  
 637 to the office's examiners for their inspection and, upon the  
 638 request of the office, shall be submitted to the office. Except  
 639 as otherwise provided in this subsection, the list of the  
 640 members of the credit union or mutual association is  
 641 confidential and exempt from ~~the provisions of~~ s. 119.07(1).

642 (6) Every bank, trust company, and stock association shall  
 643 maintain, in the principal office where its business is  
 644 transacted, full and complete records of the names and  
 645 residences of all the shareholders of the bank, trust company,  
 646 or stock association and the number of shares held by each. Such  
 647 records are ~~shall be~~ subject to the inspection of all the  
 648 shareholders of the bank, trust company, or stock association,  
 649 and the officers authorized to assess taxes under state  
 650 authority, during normal business hours ~~of each banking day.~~ No

651 shareholder or any other person has the right to copy the  
 652 shareholder records for any purpose other than in the course of  
 653 business of the bank, trust company, or stock association, as  
 654 authorized by the office or the board of directors of the bank,  
 655 trust company, or stock association. A current list of  
 656 shareholders shall be made available to the office's examiners  
 657 for their inspection and, upon the request of the office, shall  
 658 be submitted to the office. Except as otherwise provided in this  
 659 subsection, any portion of this list which reveals the  
 660 identities of the shareholders is confidential and exempt from  
 661 ~~the provisions of s. 119.07(1).~~

662 Section 10. Section 655.0591, Florida Statutes, is created  
 663 to read:

664 655.0591 Trade secret documents.-

665 (1) If a person who is required to submit documents or  
 666 other information to the office pursuant to the financial  
 667 institutions codes, or by rule or order of the office or  
 668 commission, claims that such submission contains a trade secret,  
 669 the person may file with the office a notice of trade secret  
 670 when the information is submitted to the office as provided in  
 671 this section. Failure to file a notice constitutes a waiver of  
 672 any claim by the person that the document or information is a  
 673 trade secret. The notice must provide the contact information of  
 674 the person claiming ownership of the trade secret. The person  
 675 claiming the trade secret is responsible for updating the  
 676 contact information with the office.

677 (a) Each page of a document or specific portion of a  
678 document claimed to be a trade secret must be clearly marked  
679 with the words "trade secret."

680 (b) All material identified as a trade secret shall be  
681 segregated from all other submitted material by being  
682 transmitted in a separate envelope or other delivery method and  
683 clearly marked with the words "trade secret."

684 (c) In submitting a notice of trade secret to the office  
685 or Department of Financial Services, the submitting party shall  
686 include an affidavit certifying under oath to the truth of the  
687 following statements concerning all documents or information  
688 that are claimed to be trade secrets:

689 1. [...I consider/my company considers...] this  
690 information a trade secret that has value and provides an  
691 advantage or an opportunity to obtain an advantage over those  
692 who do not know or use it.

693 2. [...I have/my company has...] taken measures to prevent  
694 the disclosure of the information to anyone other than those who  
695 have been selected to have access for limited purposes, and  
696 [...I intend/my company intends...] to continue to take such  
697 measures.

698 3. The information is not, and has not been, reasonably  
699 obtainable without [...my/our...] consent by other persons by  
700 use of legitimate means.

701 4. The information is not publicly available elsewhere.

702 (2) If the office receives a public records request for a

703 document or information that is marked and certified as a trade  
 704 secret, the office shall promptly notify the person that  
 705 certified the document as a trade secret. The office shall send  
 706 the notice to the most recent address provided to the office and  
 707 must inform the person that, in order to avoid disclosure of the  
 708 trade secret, the person must file an action in circuit court  
 709 within 30 days after the date of the notice seeking a  
 710 declaratory judgment that the document in question contains  
 711 trade secrets and an order barring public disclosure of the  
 712 document. The person shall provide written notice to the office  
 713 that he or she filed an action. The office may not release the  
 714 documents pending the outcome of the legal action. Failure to  
 715 file an action within 30 days constitutes a waiver of any claim  
 716 of confidentiality, and the office shall release the document as  
 717 requested.

718 (3) The office may disclose a trade secret, together with  
 719 the claim that it is a trade secret, to an officer or employee  
 720 of another governmental agency whose use of the trade secret is  
 721 within the scope of the officer's or employee's employment.

722 Section 11. Section 655.50, Florida Statutes, is reordered  
 723 and amended to read:

724 655.50 Florida Control of Money Laundering and Terrorist  
 725 Financing in Financial Institutions Act; ~~reports of transactions~~  
 726 ~~involving currency or monetary instruments; when required;~~  
 727 ~~purpose; definitions; penalties.-~~

728 (1) This section may be cited as the "Florida Control of

729 Money Laundering and Terrorist Financing in Financial  
 730 Institutions Act."

731 (2) ~~It is~~ The purpose of this section is to require the  
 732 submission to the office of certain reports and the maintenance  
 733 of certain records of customers, accounts, and transactions  
 734 involving currency or monetary instruments or suspicious  
 735 activities if ~~when~~ such reports and records deter using ~~the use~~  
 736 ~~of~~ financial institutions to conceal, move, or provide the  
 737 proceeds obtained from or intended for ~~of~~ criminal or terrorist  
 738 activities and if such reports and records ~~activity and~~ have a  
 739 high degree of usefulness in criminal, tax, or regulatory  
 740 investigations or proceedings.

741 (3) As used in this section, the term:

742 (a) "BSA/AML compliance officer" means the financial  
 743 institution's officer responsible for the development and  
 744 implementation of the financial institution's policies and  
 745 procedures for complying with the requirements of this section  
 746 relating to anti-money laundering (AML), and the requirements of  
 747 the Bank Secrecy Act of 1970 (BSA), Pub. L. No. 91-508, as  
 748 amended, the USA Patriot Act of 2001, Pub. L. No. 107-56, as  
 749 amended, and federal and state rules and regulations adopted  
 750 thereunder, and 31 C.F.R. parts 500-598, relating to the  
 751 regulations of the Office of Foreign Assets Control (OFAC) of  
 752 the United States Department of the Treasury.

753 (b) ~~(a)~~ "Currency" means currency and coin of the United  
 754 States or of any other country.

755        (c)~~(b)~~ "Financial institution" means a financial  
756 institution, as defined in 31 U.S.C. s. 5312, as amended,  
757 including a credit card bank, located in this state.

758        (d)~~(e)~~ "Financial transaction" means a transaction  
759 involving the movement of funds by wire, electronic funds  
760 transfer, or any other means, or involving one or more monetary  
761 instruments, which in any way or degree affects commerce, or a  
762 transaction involving the use of a financial institution that  
763 ~~which~~ is engaged in, or the activities of which affect, commerce  
764 in any way or degree.

765        (e)~~(d)~~ "Monetary instruments" means coin or currency of  
766 the United States or of any other country, travelers' checks,  
767 personal checks, bank checks, money orders, stored value cards,  
768 prepaid cards, investment securities or ~~in bearer form or~~  
769 ~~otherwise in such form that title thereto passes upon delivery,~~  
770 ~~and~~ negotiable instruments in bearer form or otherwise in such  
771 form that title thereto passes upon delivery, or similar  
772 devices.

773        (i)~~(e)~~ "Transaction" means a purchase, sale, loan, pledge,  
774 gift, transfer, delivery, or other disposition, and with respect  
775 to a financial institution includes a deposit, withdrawal,  
776 transfer between accounts, exchange of currency, loan, extension  
777 of credit, purchase or sale of any stock, bond, certificate of  
778 deposit, or other monetary instrument, or any other payment,  
779 transfer, or delivery by, through, or to a financial  
780 institution, by whatever means effected.

781 (f) "Report" means a report of each deposit, withdrawal,  
782 exchange of currency, or other payments or transfer, by,  
783 through, or to that financial institution, which ~~that~~ involves a  
784 transaction required or authorized to be reported by this  
785 section, and includes the electronic submission of such  
786 information in the manner provided ~~for~~ by rule of the  
787 commission.

788 (g) "Specified unlawful activity" means ~~any~~ "racketeering  
789 activity" as defined in s. 895.02.

790 (h) "Suspicious activity" means any transaction reportable  
791 as required and described under 31 C.F.R. s. 1020.320.

792 (4) A financial institution shall designate and retain a  
793 BSA/AML compliance officer. The board of directors of a  
794 financial institution must ensure that the designated compliance  
795 officer is properly qualified and has sufficient authority and  
796 resources to administer an effective BSA/AML compliance program.  
797 The board is ultimately responsible for establishing the  
798 institution's BSA/AML policies and overall BSA/AML compliance. A  
799 change in the BSA/AML compliance officer must be reported to the  
800 office.

801 (5)-(4)-(a) A ~~Every~~ financial institution shall keep a  
802 record of each financial transaction occurring in this state  
803 known to it which involves ~~to involve~~ currency or other monetary  
804 instrument, as the commission prescribes by rule, has ~~of~~ a value  
805 greater than ~~in excess of~~ \$10,000, and involves ~~to involve~~ the  
806 proceeds of specified unlawful activity, or is ~~to be~~ designed to

807 evade the reporting requirements of this section, chapter 896,  
808 or ~~any~~ similar state or federal law, or which the financial  
809 institution reasonably believes is suspicious activity. Each  
810 financial institution ~~and~~ shall maintain appropriate procedures  
811 to ensure compliance with this section, chapter 896, and ~~any~~  
812 other similar state or federal law. Any report of suspicious  
813 activity made pursuant to this subsection is entitled to the  
814 same confidentiality provided under 31 C.F.R. s. 1020.320,  
815 whether the report or information pertaining to or identifying  
816 the report is in the possession or control of the office or the  
817 reporting institution.

818 (a) ~~(b)~~ Multiple financial transactions shall be treated as  
819 a single transaction if the financial institution has knowledge  
820 that they are made by or on behalf of any person and result in  
821 ~~either~~ cash in or cash out totaling more than \$10,000 during any  
822 business day~~7~~, as defined in s. 655.89(1).

823 (b) ~~(c)~~ A ~~Any~~ financial institution may keep a record of  
824 any financial transaction occurring in this state, regardless of  
825 the value, if it suspects that the transaction involves ~~to~~  
826 ~~involve~~ the proceeds of specified unlawful activity.

827 (c) ~~(d)~~ A financial institution, or officer, employee, or  
828 agent thereof, which ~~that~~ files a report in good faith pursuant  
829 to this subsection ~~section~~ is not liable to any person for loss  
830 or damage caused in whole or in part by the making, filing, or  
831 governmental use of the report, or any information contained  
832 therein.

833        ~~(d)(5)(a)~~ Each financial institution shall file a report  
834 ~~with the office~~ of the records record required under this  
835 subsection with the office paragraphs ~~(4)(a) and (b)~~ and any  
836 ~~record maintained pursuant to paragraph (4)(c)~~. Each report  
837 shall record filed pursuant to subsection (4) must be filed at  
838 such time and must contain such information as the commission  
839 requires by rule.

840        ~~(e)(b)~~ The timely filing of the reports report required by  
841 31 U.S.C. s. 5313 and 31 C.F.R. part 1020 with the appropriate  
842 federal agency is deemed compliance with the reporting  
843 requirements of this subsection unless the reports are not  
844 regularly and comprehensively transmitted by the federal agency  
845 to the office.

846        (6) Each financial institution shall maintain a record of  
847 each qualified business customer that is ~~designation of a person~~  
848 granted an exemption under ~~the authority of~~ 31 U.S.C. s. 5313,  
849 including any name, address, and taxpayer identification number  
850 of the exempt customer person, as well as the name and address  
851 of the financial institution and the signature of the financial  
852 institution official designating the exempt customer person.  
853 Such record of exemptions shall be made available to the office  
854 for inspection and copying and ~~shall be~~ submitted to the office  
855 within 15 days after request.

856        (7) All reports and records filed with the office pursuant  
857 to this section are confidential and exempt from s. 119.07(1).  
858 However, the office shall provide any report filed pursuant to

859 | this section, or information contained therein, to federal,  
860 | state, and local law enforcement and prosecutorial agencies, and  
861 | any federal or state agency responsible for the regulation or  
862 | supervision of financial institutions.

863 | (8) ~~(a)~~ Each financial institution shall maintain:

864 | (a) ~~For a minimum of 5 calendar years~~ Full and complete  
865 | records of all financial transactions, including all records  
866 | required by 31 C.F.R. parts 500-598 and 1010 for a minimum of 5  
867 | calendar years ~~parts 103.33 and 103.34.~~

868 | ~~(b) The financial institution shall retain~~ A copy of all  
869 | reports filed with the office under subsection (5) ~~(4)~~ for a  
870 | minimum of 5 calendar years after submission of the report.

871 | ~~(c) The financial institution shall retain~~ A copy of all  
872 | records of exemption for each qualified business customer  
873 | ~~designation of exempt person~~ made pursuant to subsection (6) for  
874 | a minimum of 5 calendar years after termination of exempt status  
875 | of such customer.

876 | (9) The office, in addition to any other power conferred  
877 | upon it to enforce and administer this chapter and the financial  
878 | institutions codes, ~~the office~~ may:

879 | (a) Bring an action in any court of competent jurisdiction  
880 | to enforce or administer this section. In such action, the  
881 | office may seek an award of any civil penalty authorized by law  
882 | and any other appropriate relief at law or equity.

883 | (b) Pursuant to s. 655.033, issue and serve upon a person  
884 | an order requiring such person to cease and desist and take

885 corrective action if ~~whenever~~ the office finds that such person  
 886 is violating, has violated, or is about to violate any provision  
 887 of this section, chapter 896, or ~~any~~ similar state or federal  
 888 law; any rule or order adopted under this section, chapter 896,  
 889 or ~~any~~ similar state or federal law; or any written agreement  
 890 related to this section, chapter 896, or ~~any~~ similar state or  
 891 federal law and entered into with the office.

892 (c) Pursuant to s. 655.037, issue and serve upon any  
 893 person an order of removal if ~~whenever~~ the office finds that  
 894 such person is violating, has violated, or is about to violate  
 895 any provision of this section, chapter 896, or ~~any~~ similar state  
 896 or federal law; any rule or order adopted under this section,  
 897 chapter 896, or ~~any~~ similar state or federal law; or any written  
 898 agreement related to this section, chapter 896, or ~~any~~ similar  
 899 state or federal law and entered into with the office.

900 (d) Impose and collect an administrative fine against any  
 901 person found to have violated any provision of this section,  
 902 chapter 896, or ~~any~~ similar state or federal law; any rule or  
 903 order adopted under this section, chapter 896, or ~~any~~ similar  
 904 state or federal law; or any written agreement related to this  
 905 section, chapter 896, or ~~any~~ similar state or federal law and  
 906 entered into with the office, in an amount up to ~~not exceeding~~  
 907 \$10,000 per a day for each willful violation or \$500 per a day  
 908 for each negligent violation.

909 (10) (a) Except as provided in paragraph (b), a person who  
 910 willfully violates ~~any provision of~~ this section commits is

911 ~~guilty of~~ a misdemeanor of the first degree, punishable as  
912 provided in s. 775.082 or s. 775.083.

913 (b) A person who willfully violates or knowingly causes  
914 another to violate ~~any provision of~~ this section, when the  
915 violation involves:

916 1. Financial transactions totaling or exceeding \$300 but  
917 less than \$20,000 in any 12-month period, commits ~~is guilty of~~ a  
918 felony of the third degree, punishable as provided in s. 775.082  
919 or s. 775.083; ~~or~~

920 2. Financial transactions totaling or exceeding \$20,000  
921 but less than \$100,000 in any 12-month period, commits ~~is guilty~~  
922 ~~of~~ a felony of the second degree, punishable as provided in s.  
923 775.082 or s. 775.083; or

924 3. Financial transactions totaling or exceeding \$100,000  
925 in any 12-month period, commits ~~is guilty of~~ a felony of the  
926 first degree, punishable as provided in s. 775.082 or s.  
927 775.083.

928 (c) In addition to the penalties otherwise authorized by  
929 ss. 775.082 and 775.083, a person who has been convicted of or  
930 who has pleaded guilty or nolo contendere to having violated  
931 paragraph (b) may be sentenced to pay a fine of up to ~~not~~  
932 ~~exceeding~~ \$250,000 or twice the value of the financial  
933 transaction, whichever is greater, except that on a second or  
934 subsequent conviction for or plea of guilty or nolo contendere  
935 to a violation of paragraph (b), the fine may be up to \$500,000  
936 or quintuple the value of the financial transaction, whichever

937 is greater.

938 (d) A financial institution as defined in s. 655.005 which  
939 ~~that~~ willfully violates this section is also liable for a civil  
940 penalty of not more than the greater of the value of the  
941 financial transaction involved or \$25,000. However, the civil  
942 penalty may not exceed \$100,000.

943 (e) A person other than a financial institution as defined  
944 in s. 655.005 who violates this section is also liable for a  
945 civil penalty of not more than the greater of the value of the  
946 financial transaction involved or \$25,000.

947 (11) In any prosecution brought pursuant to this section,  
948 the common law corpus delicti rule does not apply. The  
949 defendant's confession or admission is admissible during trial  
950 without the state having to prove the corpus delicti if the  
951 court finds in a hearing conducted outside the presence of the  
952 jury that the defendant's confession or admission is  
953 trustworthy. Before the court admits the defendant's confession  
954 or admission, the state must prove by a preponderance of the  
955 evidence that there is sufficient corroborating evidence that  
956 tends to establish the trustworthiness of the statement by the  
957 defendant. Hearsay evidence is admissible during the  
958 presentation of evidence at the hearing. In making its  
959 determination, the court may consider all relevant corroborating  
960 evidence, including the defendant's statements.

961 Section 12. Section 655.85, Florida Statutes, is amended  
962 to read:

963           655.85 Settlement of checks.—If a ~~Whenever any~~ check is  
964 forwarded or presented to a financial ~~an~~ institution for  
965 payment, except when presented by the payee in person, the  
966 paying institution or remitting institution shall settle the  
967 amount of the check at par ~~may pay or remit the same~~, at its  
968 option, ~~either~~ in money or in exchange drawn on its reserve  
969 agent or agents in the City of New York or in any reserve city  
970 within the Sixth Federal Reserve District; ~~however, an~~  
971 ~~institution may not settle any check drawn on it otherwise than~~  
972 at par. The term "at par" applies only to the settlement of  
973 checks between collecting and paying or remitting institutions  
974 and does not apply to, or prohibit an institution from,  
975 deducting from the face amount of the check drawn on it a fee  
976 for paying the check if the check is presented to the  
977 institution by the payee in person. The provisions of This  
978 section does ~~de~~ not apply ~~with respect~~ to the settlement of a  
979 check sent to such institution as a special collection item.

980           Section 13. The Legislature intends that the amendment  
981 made by this act to s. 655.85, Florida Statutes, shall be used  
982 to clarify the relevant portions of the financial institutions  
983 codes as defined in s. 655.005, Florida Statutes, relating to  
984 fees imposed by a financial institution for the payment of  
985 checks presented in person without requiring further amendment.

986           Section 14. Section 655.921, Florida Statutes, is amended  
987 to read:

988           655.921 Transaction of business by out-of-state financial

989 institutions; exempt transactions ~~in the financial institutions~~  
 990 ~~codes.~~—

991 (1) ~~Nothing in~~ The financial institutions codes do not  
 992 ~~shall be construed to~~ prohibit a financial institution or  
 993 business trust that has ~~having~~ its principal place of business  
 994 outside this state and that does not operate ~~operating~~ branches  
 995 in this state from:

996 (a) Contracting in this state with any person to acquire  
 997 from such person a part, or the entire, interest in a loan that  
 998 such person ~~proposes to make, has heretofore made, or hereafter~~  
 999 makes, together with a like interest in any security instrument  
 1000 covering real or personal property in the state ~~proposed to be~~  
 1001 ~~given or hereafter or heretofore~~ given to such person to secure  
 1002 or evidence such loan.

1003 (b) Entering into mortgage servicing contracts with  
 1004 persons authorized to transact business in this state and  
 1005 enforcing in this state the obligations ~~heretofore or hereafter~~  
 1006 acquired by it in the transaction of business outside this state  
 1007 or in the transaction of any business authorized by this  
 1008 section.

1009 (c) Acquiring, holding, leasing, mortgaging, contracting  
 1010 with respect to, or otherwise protecting, managing, or conveying  
 1011 property in this state which is ~~has heretofore or may hereafter~~  
 1012 ~~be~~ assigned, transferred, mortgaged, or conveyed to it as  
 1013 security for, or in whole or in part in satisfaction of, a loan  
 1014 or loans made by it or obligations acquired by it in the

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1015 transaction of any business authorized by this section.

1016 (d) Making loans or committing to make loans to any person  
 1017 located in this state and soliciting compensating deposit  
 1018 balances in connection therewith.

1019 (e) Filing suit in any court in this state to collect any  
 1020 debt or foreclose on any security interest in collateral  
 1021 securing a debt.

1022 (2) A No such financial institution or business trust may  
 1023 not shall be deemed to be transacting business in this state, or  
 1024 be required to qualify ~~se~~ to do so, solely by reason of the  
 1025 performance of any of the acts or business authorized in this  
 1026 section.

1027 Section 15. Section 655.922, Florida Statutes, is amended  
 1028 to read:

1029 655.922 Banking business by unauthorized persons; use of  
 1030 name.—

1031 (1) Only ~~No person other than~~ a financial institution  
 1032 authorized to do business in this state pursuant to the  
 1033 financial institutions codes of any state or federal law may  
 1034 ~~shall, in this state,~~ engage in the business of soliciting or  
 1035 receiving funds for deposit, ~~or of~~ issuing certificates of  
 1036 deposit, ~~or of~~ paying checks in this state; and only such  
 1037 financial institution may ~~no person shall~~ establish or maintain  
 1038 a place of business in this state for any of the functions,  
 1039 transactions, or purposes identified ~~mentioned~~ in this  
 1040 subsection. A ~~Any~~ person who violates ~~the provisions of~~ this

1041 subsection commits ~~is guilty of~~ a felony of the third degree,  
 1042 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
 1043 This subsection does not prohibit the issuance or sale by a  
 1044 financial institution of traveler's checks, money orders, or  
 1045 other instruments for the transmission or payment of money, by  
 1046 or through employees or agents of the financial institution off  
 1047 the financial institution's premises.

1048 (2) Only ~~No person other than~~ a financial institution  
 1049 authorized to do business shall, in this state as provided under  
 1050 subsection (1) may:

1051 (a) Transact or solicit business under any name or title  
 1052 that contains the words "bank," "banc," "banco," "banque,"  
 1053 "banker," "banking," "trust company," "savings and loan  
 1054 association," "savings bank," ~~or~~ "credit union," or words of  
 1055 similar import, in any context or in any manner;

1056 (b) Use any name, word, trademark, service mark, trade  
 1057 name, Internet address, logo, sign, symbol, or device in any  
 1058 context or in any manner; or

1059 (c) Circulate or use any letterhead, billhead, circular,  
 1060 paper, electronic media, Internet website or posting, or writing  
 1061 of any kind or otherwise advertise or represent in any manner,

1062  
 1063 which indicates or reasonably implies that the business being  
 1064 solicited, conducted, or advertised is the kind or character of  
 1065 business transacted or conducted by a financial institution or  
 1066 which is likely to lead any person to believe that such business

1067 is that of a financial institution; however, the words "bank,"  
 1068 "banc," "banco," "banque," "banker," "banking," "trust company,"  
 1069 "savings and loan association," "savings bank," or "credit  
 1070 union," or the plural of any thereof, may be used by, and in the  
 1071 corporate or other name or title of, any company that ~~which~~ is  
 1072 or becomes a ~~financial institution~~ holding company of a  
 1073 financial institution pursuant to state or federal law; any  
 1074 subsidiary of ~~any such financial institution~~ holding company  
 1075 which includes as a part of its name or title all or any part,  
 1076 or abbreviations, of the name or title of the ~~financial~~  
 1077 ~~institution~~ holding company of which it is a subsidiary; any  
 1078 trade organization or association, whether or not incorporated,  
 1079 functioning for the purpose of promoting the interests of  
 1080 financial institutions or ~~financial institution~~ holding  
 1081 companies, the active members of which are financial  
 1082 institutions or ~~financial institution~~ holding companies; and any  
 1083 international development bank chartered pursuant to part II of  
 1084 chapter 663.

1085 (3) A ~~No~~ person may not use the name, trademark, service  
 1086 mark, trade name, Internet address, or logo of a ~~any~~ financial  
 1087 institution or an affiliate or subsidiary thereof, or use a name  
 1088 similar to that of a financial institution or an affiliate or  
 1089 subsidiary thereof, to market or solicit business from a  
 1090 customer or prospective customer of such institution if:

1091 (a) The solicitation is done without the written consent  
 1092 of the financial institution or its affiliate or subsidiary; and

1093 (b) A reasonable person would believe that the materials  
 1094 originated from, are endorsed by, or are connected with the  
 1095 financial institution or its affiliates or subsidiaries.

1096 (4) A financial institution, affiliate, subsidiary, or  
 1097 service corporation may not do business, solicit, or advertise  
 1098 in this state using a name, trademark, service mark, trade name,  
 1099 Internet address, or logo that may mislead consumers or cause  
 1100 confusion as to the identification of the proper legal business  
 1101 entity or the nature of the financial institution's business.

1102 (5)~~(4)~~ Any court, in a proceeding brought by the office,  
 1103 by a ~~any~~ financial institution the principal place of business  
 1104 of which is in this state, or by any other person residing~~r~~ or  
 1105 whose principal place of business is ~~located~~ in this state and  
 1106 whose interests are substantially affected thereby, may enjoin  
 1107 any person from violating any provision ~~of the provisions~~ of  
 1108 this section. Except for a financial institution duly chartered  
 1109 by the office, the office may also seek an order from the  
 1110 circuit court for the annulment or dissolution of a corporation  
 1111 or any other business entity found violating any provision of  
 1112 this section. For the purposes of this subsection, the interests  
 1113 of a trade organization or association are deemed to be  
 1114 substantially affected if the interests of ~~any of~~ its members  
 1115 are so affected. ~~In addition,~~ The office may also issue and  
 1116 serve upon any person who violates any provision ~~of the~~  
 1117 ~~provisions~~ of this section an emergency cease and desist order  
 1118 or a complaint seeking a cease and desist order in accordance

1119 with the procedures and in the manner prescribed by s. 655.033.  
 1120 The office is not required to make any finding or determination  
 1121 that a violation of this section is likely to result in  
 1122 insolvency, substantial dissipation of assets or earnings, or  
 1123 substantial prejudice to any person in association with the  
 1124 issuance of an emergency cease and desist order.

1125 (6)-(5) Nothing in This section does not shall be construed  
 1126 to prohibit the lawful establishment or operation the lawful  
 1127 operations of a financial institution, affiliate, subsidiary, or  
 1128 service corporation or and nothing in this code shall be  
 1129 construed to prohibit any advertisement or other activity in  
 1130 this state by any person if such prohibition would contravene  
 1131 any applicable federal law that which preempts the law of this  
 1132 state.

1133 Section 16. Subsection (4) of section 655.948, Florida  
 1134 Statutes, is amended to read:

1135 655.948 Significant events; notice required.—

1136 (4) (a) The office must exempt a financial institution from  
 1137 any of the provisions of this section if the office determines  
 1138 that such financial institution is operating in a safe and sound  
 1139 manner pursuant to commission rules relating to safe and sound  
 1140 operations. The commission shall adopt rules defining the term  
 1141 "safe and sound" and explicitly stating the criteria which shall  
 1142 constitute operating in a safe and sound manner.

1143 (b) Notwithstanding paragraph (a), all newly chartered  
 1144 financial institutions shall be subject to the requirements of

1145 subsections (1) and (2) for 3 years.

1146 (c) Notwithstanding paragraph (a), a financial institution  
 1147 shall notify the office within 30 days after any civil  
 1148 investigation or any civil or administrative proceeding is  
 1149 initiated by a county or municipality against the financial  
 1150 institution or its subsidiary or service corporation. However,  
 1151 no liability shall be incurred by any financial institution,  
 1152 subsidiary, service corporation, or financial institution-  
 1153 affiliated party as a result of making a good faith effort to  
 1154 fulfill this disclosure requirement.

1155 Section 17. Section 655.955, Florida Statutes, is created  
 1156 to read:

1157 655.955 Liability of financial institutions to third  
 1158 parties.—A financial institution is not civilly liable to a  
 1159 third party for the actions or operations of a person solely by  
 1160 virtue of extending a loan or a line of credit to such person.

1161 Section 18. Section 657.008, Florida Statutes, is amended  
 1162 to read:

1163 657.008 Place of doing business.—

1164 (1) A ~~Every~~ credit union authorized to transact business  
 1165 pursuant to the laws of this state shall have one principal  
 1166 place of doing business as designated in its bylaws and where  
 1167 legal process may be served. A credit union may change its place  
 1168 of business through an amendment to its bylaws.

1169 (2) ~~(a)~~ Following ~~With~~ 30 days' prior written notification  
 1170 to the office or within such other time as is approved by the

1171 office, a credit union operating in a safe and sound manner may  
1172 maintain branches without requiring prior office examination and  
1173 approval at locations other than its main office or relocate  
1174 branches previously established if the maintenance of such  
1175 branches is determined by the board of directors to be  
1176 reasonably necessary to furnish service to its members.

1177 (a) A credit union that requires office examination and  
1178 approval before establishing or relocating a branch must submit  
1179 a written application in such form and supported by such  
1180 information, data, and records as the commission or office may  
1181 require to make all findings necessary for approval. Upon  
1182 receiving the application and a nonrefundable filing fee for the  
1183 establishment of the branch, the office shall consider the  
1184 following in determining whether to reject or approve the  
1185 application:

1186 1. The sufficiency of the net worth of the credit union in  
1187 relation to its deposit liabilities, including the proposed  
1188 branch, and the additional fixed assets, if any, which are  
1189 proposed for the branch and its operations without undue risk to  
1190 the credit union or its depositors;

1191 2. The sufficiency of earnings and earnings prospects of  
1192 the credit union necessary to support the anticipated expenses  
1193 and operating losses of the branch during its formative or  
1194 initial years;

1195 3. The sufficiency and quality of management available to  
1196 operate the branch;

1197           4. The name of the proposed branch in order to determine  
 1198 if it reasonably identifies the branch as a branch of the main  
 1199 office and is not likely to unduly confuse the public; and

1200           5. The substantial compliance of the applicant with the  
 1201 applicable law governing its operations.

1202           (b) If any branch is located outside this state, the cost  
 1203 of examining such branch shall be borne by the credit union.  
 1204 Such cost includes ~~shall include~~, but is ~~shall~~ not be limited  
 1205 to, examiner travel expense and per diem.

1206           (3) A credit union may share office space with one or more  
 1207 credit unions and contract with any person or corporation to  
 1208 provide facilities or personnel.

1209           (4) A ~~Any~~ credit union organized under this state or  
 1210 federal law, the members of which are presently, or were at the  
 1211 time of admission into the credit union, employees of the state  
 1212 or a political subdivision or municipality thereof, or members  
 1213 of the immediate families of such employees, may apply for space  
 1214 in any building owned or leased by the state or respective  
 1215 political subdivision or municipality in the community or  
 1216 district in which the credit union does business.

1217           (a) The application shall be addressed to the officer  
 1218 charged with the allotment of space in such building. If space  
 1219 is available, the officer may allot space to the credit union at  
 1220 a reasonable charge for rent or services.

1221           (b) If the governing body having jurisdiction over the  
 1222 building determines that the services rendered by the credit

1223 union to the employees of the governing body are equivalent to a  
 1224 reasonable charge for rent or services, available space may be  
 1225 allotted to the credit union without charge for rent or  
 1226 services.

1227 (5) (a) The office may authorize foreign credit unions to  
 1228 establish branches in this state ~~Florida~~ if all of the following  
 1229 criteria are met:

1230 1. The state in which the foreign credit union's home  
 1231 office is located permits Florida credit unions to do business  
 1232 in the state under restrictions that are no greater than those  
 1233 placed upon a domestic credit union doing business in that  
 1234 state. For this purpose, such restrictions must ~~shall~~ include,  
 1235 ~~but are not limited to,~~ any fees, bonds, or other charges levied  
 1236 on domestic credit unions doing business in that state.

1237 2. The deposits of such foreign credit union and its  
 1238 proposed Florida branch must ~~shall~~ have insurance of accounts  
 1239 with the National Credit Union Administration.

1240 3. The credit union's field of membership is so limited as  
 1241 to be within that meaning of that term as defined in s. 657.002.

1242 (b) Every foreign credit union operating in this state  
 1243 must ~~Florida shall~~ keep the office informed of every location at  
 1244 which it is operating.

1245 (c) If the office has reason to believe that a foreign  
 1246 credit union is operating a branch in this state in an unsafe  
 1247 and unsound manner, it shall have the right to examine such  
 1248 branch. If, upon examination, the office finds that such branch

1249 is operating in an unsafe and unsound manner, it shall require  
 1250 the branch office to make appropriate modifications to bring the  
 1251 ~~such~~ branch operations into compliance with generally accepted  
 1252 credit union operation in this state. The ~~Such~~ foreign credit  
 1253 union shall reimburse the office for the full cost of such ~~this~~  
 1254 examination. Costs ~~shall~~ include examiner salaries, per diem,  
 1255 and travel expenses.

1256 (d) Any foreign credit union operating in this state  
 1257 shall, in any connection therewith, be subject to suit in the  
 1258 courts of this state, ~~by this state and~~ by the residents  
 1259 ~~citizens~~ of this state.

1260 (6) A credit union may provide, directly or through a  
 1261 contract with another company, off-premises armored car services  
 1262 to its members. Armored car services do not constitute a branch  
 1263 for the purposes of this section.

1264 Section 19. Section 657.028, Florida Statutes, is amended  
 1265 to read:

1266 657.028 Activities of directors, officers, committee  
 1267 members, employees, and agents.—

1268 (1) An individual may not disburse funds of the credit  
 1269 union for any extension of credit approved by her or him.

1270 (2) An elected officer, or ~~or~~ director, or ~~any~~ committee  
 1271 member, other than the chief executive officer, may not be  
 1272 compensated for her or his service as such.

1273 (3) Except with the prior approval of the office, a person  
 1274 may not serve as an officer, director, or committee member of a

1275 credit union if she or he:

1276 (a) Has been convicted of a felony or of an offense  
1277 involving dishonesty, a breach of trust, a violation of this  
1278 chapter, or fraud, ~~except with the prior approval of the office;~~

1279 (b) Has been adjudicated bankrupt within the previous 7  
1280 years;

1281 (c) Has been removed by any regulatory agency as a  
1282 director, officer, committee member, or employee of a any  
1283 financial institution, ~~except with the prior approval of the~~  
1284 ~~office;~~

1285 (d) Has performed acts of fraud or dishonesty, or has  
1286 failed to perform duties, resulting in a loss that ~~which~~ was  
1287 subject to a paid claim under a fidelity bond, ~~except with the~~  
1288 ~~prior approval of the office; or~~

1289 (e) Has been found guilty of a violation of s. 655.50,  
1290 relating to the ~~Florida~~ control of money laundering and  
1291 terrorist financing in Financial Institutions Act; chapter 896,  
1292 relating to offenses related to financial transactions; or ~~any~~  
1293 similar state or federal law; or

1294 (f) Has defaulted on a debt or obligation to a financial  
1295 institution which resulted in a material loss to the financial  
1296 institution.

1297 (4) A person may not serve as a director of a credit union  
1298 if she or he is an employee of the credit union, other than the  
1299 chief executive officer of the credit union.

1300 (5) A director, officer, committee member, ~~officer~~, agent,

1301 or employee of the credit union may not in any manner, directly  
 1302 or indirectly, participate in the deliberation upon or the  
 1303 determination of any question affecting her or his pecuniary  
 1304 interest or the pecuniary interest of any corporation,  
 1305 partnership, or association, other than the credit union, in  
 1306 which she or he or a member of her or his immediate family is  
 1307 directly or indirectly interested.

1308 (6) Within 30 days after election or appointment, a record  
 1309 of the names and addresses of the members of the board, members  
 1310 of committees, ~~and~~ all officers of the credit union, and the  
 1311 credit manager shall be filed with the office on forms  
 1312 prescribed by the commission.

1313 Section 20. Section 657.041, Florida Statutes, is amended  
 1314 to read:

1315 657.041 Insurance; employee benefit plans.—

1316 (1) A credit union may purchase for or make available to  
 1317 its members credit life insurance, credit disability insurance,  
 1318 life savings or depositors life insurance, or any other  
 1319 insurance coverage which may be directly related to the  
 1320 extension of credit or to the receipt of shares or deposits in  
 1321 amounts related to the members' respective ages, shares,  
 1322 deposits, or credit balances, or to any combination thereof.

1323 (2) A credit union may purchase and maintain insurance on  
 1324 behalf of any person who is or was a director, officer,  
 1325 employee, or agent of the credit union, or who is or was serving  
 1326 at the request of the credit union as a director, officer,

1327 employee, or agent of another corporation, partnership, joint  
1328 venture, trust, or other enterprise, against any liability  
1329 arising out of such person's capacity or status with the credit  
1330 union, whether or not the credit union would have the power to  
1331 indemnify such person against the asserted liability.

1332 (3) With the prior approval of members of a credit union  
1333 and the office, the credit union may pay the premiums for  
1334 reasonable health, accident, and related types of insurance  
1335 protection for members of the credit union's board of directors,  
1336 credit committee, supervisory committee, or other volunteer  
1337 committee established by the board. Any insurance protection  
1338 purchased must cease upon the insured person's leaving office  
1339 without residual benefits other than from pending claims, if  
1340 any, except that the credit union must comply with federal and  
1341 state laws providing departing officials the right to maintain  
1342 health insurance coverage at their own expense. The office shall  
1343 consider the credit union's size and financial condition and the  
1344 duties of the board or other officials in its consideration of  
1345 the request for approval for insurance coverage and may withhold  
1346 approval if the request would create an unsafe or unsound  
1347 practice or condition for the credit union.

1348 (4) With the prior approval of the board of a credit union  
1349 and the office, the credit union may fund employee benefit  
1350 plans. The office shall consider the credit union's size and  
1351 financial condition and the duties of the employees and may  
1352 withhold approval if the request would create an unsafe or

1353 unsound practice or condition for the credit union.

1354 Section 21. Subsection (20) of section 658.12, Florida  
 1355 Statutes, is amended to read:

1356 658.12 Definitions.—Subject to other definitions contained  
 1357 in the financial institutions codes and unless the context  
 1358 otherwise requires:

1359 (20) "Trust business" means the business of acting as a  
 1360 fiduciary when such business is conducted by a bank, a state or  
 1361 federal association, or a trust company, or ~~and also~~ when  
 1362 conducted by any other business organization for compensation  
 1363 that the office does not consider to be de minimis as its sole  
 1364 or principal business.

1365 Section 22. Subsection (4) of section 658.21, Florida  
 1366 Statutes, is amended to read:

1367 658.21 Approval of application; findings required.—The  
 1368 office shall approve the application if it finds that:

1369 (4) The proposed officers have sufficient financial  
 1370 institution experience, ability, standing, and reputation and  
 1371 the proposed directors have sufficient business experience,  
 1372 ability, standing, and reputation to indicate reasonable promise  
 1373 of successful operation, and none of the proposed officers or  
 1374 directors has been convicted of, or pled guilty or nolo  
 1375 contendere to, any violation of s. 655.50, relating to the  
 1376 ~~Florida~~ control of money laundering and terrorist financing ~~in~~  
 1377 ~~Financial Institutions Act~~; chapter 896, relating to offenses  
 1378 related to financial institutions; or ~~any~~ similar state or

1379 federal law. At least two of the proposed directors who are not  
 1380 also proposed officers must ~~shall~~ have had at least 1 year  
 1381 direct experience as an executive officer, regulator, or  
 1382 director of a financial institution within the 3 years before ~~of~~  
 1383 the date of the application. However, if the applicant  
 1384 demonstrates that at least one of the proposed directors has  
 1385 very substantial experience as an executive officer, director,  
 1386 or regulator of a financial institution more than 3 years before  
 1387 the date of the application, the office may modify the  
 1388 requirement and allow only one director to have direct financial  
 1389 institution experience within the last 3 years. The proposed  
 1390 president or chief executive officer must ~~shall~~ have had at  
 1391 least 1 year of direct experience as an executive officer,  
 1392 director, or regulator of a financial institution within the  
 1393 last 3 years.

1394 Section 23. Subsection (2) of section 658.235, Florida  
 1395 Statutes, is amended to read:

1396 658.235 Subscriptions for stock; approval of major  
 1397 shareholders.—

1398 (2) The directors shall also provide such detailed  
 1399 financial, business, and biographical information as the  
 1400 commission or office may reasonably require for each person who,  
 1401 together with related interests, subscribes to 10 percent or  
 1402 more of the voting stock or nonvoting stock that ~~which~~ is  
 1403 convertible into voting stock of the proposed bank or trust  
 1404 company. The office shall make an investigation of the

1405 character, financial responsibility, and financial standing of  
 1406 each such person in order to determine whether he or she is  
 1407 likely to control the bank or trust company in a manner that  
 1408 ~~which~~ would jeopardize the interests of the depositors and  
 1409 creditors of the bank or trust company, the other stockholders,  
 1410 or the general public. The ~~This~~ investigation must ~~shall~~ include  
 1411 a determination of whether ~~any~~ such person has been convicted  
 1412 of, or pled guilty or nolo contendere to, a violation of s.  
 1413 655.50, relating to the ~~Florida~~ control of money laundering and  
 1414 terrorist financing in Financial Institutions Act; chapter 896,  
 1415 relating to offenses related to financial transactions; or ~~any~~  
 1416 similar state or federal law.

1417 Section 24. Section 658.49, Florida Statutes, is repealed.

1418 Section 25. Subsection (1) of section 663.02, Florida  
 1419 Statutes, is amended to read:

1420 663.02 Applicability of state banking laws.—

1421 (1) International banking corporations having offices in  
 1422 this state are ~~shall be~~ subject to all the provisions of the  
 1423 financial institutions codes and chapter 655 as though such  
 1424 ~~international banking~~ corporations were state banks or trust  
 1425 companies, except where it may appear, from the context or  
 1426 otherwise, that such provisions are clearly applicable only to  
 1427 banks or trust companies organized under the laws of this state  
 1428 or the United States. Without limiting the foregoing general  
 1429 provisions, it is the intent of the Legislature that the  
 1430 following provisions are applicable to such banks or trust

1431 companies: s. 655.031, relating to administrative enforcement  
 1432 guidelines; s. 655.032, relating to investigations, subpoenas,  
 1433 hearings, and witnesses; s. 655.0321, relating to hearings,  
 1434 proceedings, and related documents and restricted access  
 1435 thereto; s. 655.033, relating to cease and desist orders; s.  
 1436 655.037, relating to removal by the office of an officer,  
 1437 director, committee member, employee, or other person; s.  
 1438 655.041, relating to administrative fines and enforcement; s.  
 1439 655.50, relating to the control of money laundering and  
 1440 terrorist financing; ~~s. 658.49, relating to loans by banks not~~  
 1441 ~~exceeding \$50,000;~~ and any provision of law for which the  
 1442 penalty is increased under s. 775.31 for facilitating or  
 1443 furthering terrorism. International banking corporations do  
 1444 ~~shall~~ not have the powers conferred on domestic banks by ~~the~~  
 1445 ~~provisions of~~ s. 658.60, relating to deposits of public funds.  
 1446 ~~The provisions of~~ Chapter 687, relating to interest and usury,  
 1447 applies shall apply to all bank loans ~~not subject to s. 658.49.~~

1448 Section 26. Subsection (1) of section 663.09, Florida  
 1449 Statutes, is amended to read:

1450 663.09 Reports; records.—

1451 (1) An ~~Every~~ international banking corporation doing  
 1452 business in this state shall, at such times and in such form as  
 1453 the commission prescribes, make written reports in the English  
 1454 language to the office, under the oath of one of its officers,  
 1455 managers, or agents transacting business in this state, showing  
 1456 the amount of its assets and liabilities and containing such

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1457 other matters as the commission or office requires. An  
1458 international banking corporation that maintains two or more  
1459 offices may consolidate such information in one report unless  
1460 the office otherwise requires for purposes of its supervision of  
1461 the condition and operations of each such office. The late  
1462 filing of such reports is ~~shall be~~ subject to an ~~the imposition~~  
1463 ~~of the~~ administrative fine as prescribed under ~~by~~ s.  
1464 655.045(2) ~~(b)~~. If ~~any~~ such international banking corporation  
1465 fails ~~shall fail~~ to make ~~any~~ such report, as directed by the  
1466 office, or if ~~any~~ such report contains a ~~shall contain any~~ false  
1467 statement knowingly made, the same shall be grounds for  
1468 revocation of the license of the international banking  
1469 corporation.

1470 Section 27. Subsection (2) of section 663.12, Florida  
1471 Statutes, is amended to read:

1472 663.12 Fees; assessments; fines.—

1473 (2) Each international bank agency, international branch,  
1474 and state-chartered investment company shall pay to the office a  
1475 ~~semiannual assessment, payable~~ on or before January 31 and July  
1476 31 of each year, a semiannual assessment in an amount determined  
1477 ~~by rule~~ by the commission by rule and calculated ~~in a manner so~~  
1478 ~~as~~ to recover the costs of the office incurred in connection  
1479 with the supervision of international banking activities  
1480 licensed under this part. ~~The~~ These rules must ~~shall~~ provide ~~for~~  
1481 uniform rates of assessment for all licenses of the same type  
1482 and, ~~shall~~ provide for declining rates of assessment in relation

1483 to the total assets of the licensee held in the state, but may  
1484 ~~shall not result, in any event, provide for~~ rates of assessment  
1485 which exceed the rate applicable to state banks pursuant to s.  
1486 658.73, unless the rate ~~of assessment~~ would result in a  
1487 semiannual assessment of less than \$1,000. For the purposes of  
1488 this subsection, the total assets of an international bank  
1489 agency, international branch, or state-chartered investment  
1490 company must ~~shall~~ include amounts due the agency or branch or  
1491 state investment company from other offices, branches, or  
1492 subsidiaries of the international banking corporations or other  
1493 corporations of which the agency, branch, or state-chartered  
1494 investment company is a part or from entities related to that  
1495 international banking corporation. ~~Each international~~  
1496 ~~representative office, international administrative office, or~~  
1497 ~~international trust company representative office shall pay to~~  
1498 ~~the office an annual assessment in the amount of \$2,000, payable~~  
1499 ~~on or before January 31 of each year.~~

1500 Section 28. Subsection (3) of section 663.306, Florida  
1501 Statutes, is amended to read:

1502 663.306 Decision by office.—The office may, in its  
1503 discretion, approve or disapprove the application, but it shall  
1504 not approve the application unless it finds that:

1505 (3) The proposed officers and directors have sufficient  
1506 experience, ability, standing, and reputation to indicate  
1507 reasonable promise of successful operation and none of the  
1508 proposed officers or directors have been convicted of, or pled

1509 guilty or nolo contendere to, a violation of s. 655.50, relating  
1510 to the ~~Florida~~ control of money laundering and terrorist  
1511 financing in ~~Financial Institutions Act~~; chapter 896, relating  
1512 to offenses related to financial transactions; or ~~any~~ similar  
1513 state or federal law.

1514 Section 29. Subsection (28) of section 665.013, Florida  
1515 Statutes, is amended to read:

1516 665.013 Applicability of chapter 658.—The following  
1517 sections of chapter 658, relating to banks and trust companies,  
1518 are applicable to an association to the same extent as if the  
1519 association were a "bank" operating thereunder:

1520 ~~(28) Section 658.49, relating to loans by banks not~~  
1521 ~~exceeding \$50,000.~~

1522 Section 30. Paragraph (c) of subsection (1) of section  
1523 665.033, Florida Statutes, is amended to read:

1524 665.033 Conversion of state or federal mutual association  
1525 to capital stock association.—

1526 (1) CONVERSION INTO CAPITAL STOCK ASSOCIATION.—Any state  
1527 or federal mutual association may apply to the office for  
1528 permission to convert itself into an association operated under  
1529 the provisions of this chapter in accordance with the following  
1530 procedures:

1531 (c) The office may approve or disapprove the plan ~~in its~~  
1532 ~~discretion~~, but may ~~it shall~~ not approve the plan unless it  
1533 finds that the association will comply sufficiently with the  
1534 requirements of the financial institutions codes after

1535 conversion to entitle it to become an association operating  
 1536 under the financial institutions codes and the rules of the  
 1537 commission. The office may deny an ~~any~~ application from any  
 1538 federal association that is subject to a ~~any~~ cease and desist  
 1539 order or other supervisory restriction or order imposed by any  
 1540 state or the federal supervisory authority, or insurer, or  
 1541 guarantor or that has been convicted of, or pled guilty or nolo  
 1542 contendere to, a violation of s. 655.50, relating to the ~~Florida~~  
 1543 ~~control of money laundering and terrorist financing in Financial~~  
 1544 ~~Institutions Act~~; chapter 896, relating to offenses related to  
 1545 financial transactions; or ~~any~~ similar state or federal law.

1546 Section 31. Paragraph (a) of subsection (2) of section  
 1547 665.034, Florida Statutes, is amended to read:

1548 665.034 Acquisition of assets of or control over an  
 1549 association.—

1550 (2) The office shall issue the certificate of approval  
 1551 only after it has made an investigation and determined that:

1552 (a) The proposed new owner or owners of voting capital  
 1553 stock are qualified by character, experience, and financial  
 1554 responsibility to control the association in a legal and proper  
 1555 manner and none of the proposed new owners have been convicted  
 1556 of, or pled guilty or nolo contendere to, a violation of s.  
 1557 655.50, relating to the ~~Florida~~ control of money laundering and  
 1558 terrorist financing ~~in Financial Institutions Act~~; chapter 896,  
 1559 relating to offenses related to financial transactions; or ~~any~~  
 1560 similar state or federal law.

1561 Section 32. Subsection (29) of section 667.003, Florida  
 1562 Statutes, is amended to read:

1563 667.003 Applicability of chapter 658.—Any state savings  
 1564 bank is subject to all the provisions, and entitled to all the  
 1565 privileges, of the financial institutions codes except where it  
 1566 appears, from the context or otherwise, that such provisions  
 1567 clearly apply only to banks or trust companies organized under  
 1568 the laws of this state or the United States. Without limiting  
 1569 the foregoing general provisions, it is the intent of the  
 1570 Legislature that the following provisions apply to a savings  
 1571 bank to the same extent as if the savings bank were a "bank"  
 1572 operating under such provisions:

1573 ~~(29) Section 658.49, relating to loans by banks not~~  
 1574 ~~exceeding \$50,000.~~

1575 Section 33. Paragraph (c) of subsection (1) of section  
 1576 667.006, Florida Statutes, is amended to read:

1577 667.006 Conversion of state or federal mutual savings bank  
 1578 or state or federal mutual association to capital stock savings  
 1579 bank.—

1580 (1) CONVERSION INTO CAPITAL STOCK SAVINGS BANK.—Any state  
 1581 or federal mutual savings bank or state or federal mutual  
 1582 association may apply to the office for permission to convert  
 1583 itself into a capital stock savings bank operated under the  
 1584 provisions of this chapter in accordance with the following  
 1585 procedures:

1586 (c) The office may approve or disapprove the plan ~~in its~~

1587 ~~discretion~~, but may ~~it shall~~ not approve the plan unless it  
 1588 finds that the savings bank will comply sufficiently with the  
 1589 requirements of the financial institutions codes after  
 1590 conversion to entitle it to become a savings bank operating  
 1591 under the financial institutions codes and the rules of the  
 1592 commission. The office may deny any application from a ~~any~~  
 1593 federal savings bank that is subject to a ~~any~~ cease and desist  
 1594 order or other supervisory restriction or order imposed by any  
 1595 state or the federal supervisory authority, or insurer, or  
 1596 guarantor or that has been convicted of, or pled guilty or nolo  
 1597 contendere to, a violation of s. 655.50, relating to the ~~Florida~~  
 1598 control of money laundering and terrorist financing ~~in Financial~~  
 1599 ~~Institutions Act~~; chapter 896, relating to offenses related to  
 1600 financial transactions; or ~~any~~ similar state or federal law.

1601 Section 34. Paragraph (a) of subsection (2) of section  
 1602 667.008, Florida Statutes, is amended to read:

1603 667.008 Acquisition of assets of or control over a savings  
 1604 bank.—

1605 (2) The office shall issue the certificate of approval  
 1606 only after it has made an investigation and determined that:

1607 (a) The proposed new owner or owners of voting capital  
 1608 stock are qualified by character, experience, and financial  
 1609 responsibility to control the savings bank in a legal and proper  
 1610 manner and none of the proposed new owners have been convicted  
 1611 of, or pled guilty or nolo contendere to, a violation of s.  
 1612 655.50, relating to the ~~Florida~~ control of money laundering and

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1613 terrorist financing in ~~Financial Institutions Act~~; chapter 896,  
1614 relating to offenses related to financial transactions; or ~~any~~  
1615 similar state or federal law.

1616 Section 35. This act shall take effect July 1, 2014.