

By Senator Richter

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1 A bill to be entitled
2 An act relating to the regulation of financial
3 institutions; amending s. 655.005, F.S.; redefining
4 the terms "main office" and "principal office";
5 amending s. 655.047, F.S.; requiring mailed semiannual
6 assessments to be received by the Office of Financial
7 Regulation by a specified date; requiring
8 electronically transmitted semiannual assessments to
9 be transmitted to the office by specified dates;
10 amending s. 655.60, F.S.; deleting the requirement
11 that the office select a licensed or certified
12 appraiser to conduct certain appraisals; deleting the
13 requirement that the office approve the cost of
14 certain appraisals before payment of that cost by a
15 state financial institution, subsidiary, or service
16 corporation; creating s. 657.0275, F.S.; requiring a
17 credit union to notify the office of the name and
18 residential address of an individual who is elected or
19 appointed to certain positions within a specified
20 time; authorizing the Financial Services Commission to
21 adopt a notification form by rule; amending s. 658.19,
22 F.S.; revising the individuals for whom certain
23 information must be provided to the office on an
24 application for authority to organize a banking
25 corporation or trust company; amending s. 660.33,
26 F.S.; conforming a cross-reference; amending s.
27 663.08, F.S.; requiring an international banking
28 corporation to provide its annual certification of
29 capital accounts to the office by a specified date;

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30 reenacting ss. 655.960(8) and 663.302(1)(a), F.S., to
31 incorporate the amendment made to s. 655.005, F.S., in
32 references thereto; reenacting ss. 658.165(1),
33 665.013(3), and 667.003(3), F.S., to incorporate the
34 amendment made to s. 658.19, F.S., in references
35 thereto; reenacting s. 658.12(4), F.S., to incorporate
36 the amendment made to s. 660.33, F.S., in references
37 thereto; providing an effective date.
38

39 Be It Enacted by the Legislature of the State of Florida:
40

41 Section 1. Paragraph (q) of subsection (1) of section
42 655.005, Florida Statutes, is amended to read:

43 655.005 Definitions.—

44 (1) As used in the financial institutions codes, unless the
45 context otherwise requires, the term:

46 (q) "Main office" or "principal office" of a financial
47 institution means the main business office designated in its
48 articles of incorporation or bylaws, or redesignated in a
49 relocation application filed with the office, at an identified
50 location approved by the office in the case of a state financial
51 institution, or by the appropriate federal regulatory agency in
52 the case of a federal financial institution. With respect to the
53 trust department of a bank or association that has trust powers,
54 the terms mean the office or place of business of the trust
55 department at an identified location, which need not be the same
56 location as the main office of the bank or association, approved
57 by the office in the case of a state bank or association, or by
58 the appropriate federal regulatory agency in the case of a

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59 national bank or federal association. The "main office" or
60 "principal office" of a trust company means the office
61 designated or provided for in its articles of incorporation, at
62 an identified location as approved by the relevant chartering
63 authority.

64 Section 2. Subsection (2) of section 655.047, Florida
65 Statutes, is amended to read:

66 655.047 Assessments; financial institutions.—

67 (2) If mailed, the ~~mailing of~~ a semiannual assessment must
68 be received by the office postmarked on or before January 31 and
69 July 31 of each year. If transmitted through a wire transfer, an
70 automated clearinghouse, or other electronic means approved by
71 the office, the semiannual assessment must be transmitted to the
72 office on or before January 31 and July 31 of each year. The
73 office may levy a late payment penalty of up to \$100 per day or
74 part thereof that a semiannual assessment payment is overdue,
75 unless it is excused for good cause. However, for intentional
76 late payment of a semiannual assessment, the office shall levy
77 an administrative fine of up to \$1,000 a day for each day the
78 semiannual assessment is overdue.

79 Section 3. Subsection (1) of section 655.60, Florida
80 Statutes, is amended to read:

81 655.60 Appraisals.—

82 (1) The office is authorized to cause appraisals to be made
83 ~~appraisals~~ of real estate or other property held by a ~~any~~ state
84 financial institution, subsidiary, or service corporation or
85 securing the assets of the state financial institution,
86 subsidiary, or service corporation if ~~when~~ specific facts or
87 information with respect to real estate or other property held,

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88 secured loans, or lending, or when in its opinion the state
89 financial institution's policies, practices, operating results,
90 and trends give evidence that the state financial institution's
91 appraisals or evaluations of ability to make payments may be
92 excessive, that lending or investment may be of a marginal
93 nature, that appraisal policies and loan practices may not
94 conform with generally accepted and established professional
95 standards, or that real estate or other property held by the
96 state financial institution, subsidiary, or service corporation
97 or assets secured by real estate or other property are
98 overvalued. In lieu of causing such appraisals to be made, the
99 office may accept any appraisal caused to be made by an
100 appropriate state or federal regulatory agency or other insuring
101 agency or corporation of a state financial institution. Unless
102 otherwise ordered by the office, an appraisal of real estate or
103 other property pursuant to this section must be made by a
104 licensed or certified appraiser ~~or appraisers selected by the~~
105 ~~office, and the cost of such appraisal shall be paid promptly by~~
106 ~~such state financial institution, subsidiary, or service~~
107 ~~corporation directly to such appraiser or appraisers upon~~
108 ~~receipt by the state financial institution of a statement of~~
109 ~~such cost bearing the written approval of the office.~~ A copy of
110 the report of each appraisal caused to be made by the office
111 pursuant to this section shall be furnished to the state
112 financial institution, subsidiary, or service corporation within
113 a reasonable time, not exceeding 60 days, following the
114 completion of the ~~such~~ appraisal and may be furnished to the
115 insuring agency or corporation or federal or state regulatory
116 agency.

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117 Section 4. Section 657.0275, Florida Statutes, is created
118 to read:

119 657.0275 Notification of an election or an appointment.—
120 Within 30 days after the election or appointment of a director,
121 an executive officer, a member of the supervisory or audit
122 committee, a member of the credit committee, or a credit
123 manager, the credit union must submit to the office the name and
124 residential address of the individual elected or appointed. The
125 commission may adopt a rule to establish a form for the
126 notification.

127 Section 5. Paragraph (f) of subsection (1) of section
128 658.19, Florida Statutes, is amended to read:

129 658.19 Application for authority to organize a bank or
130 trust company.—

131 (1) A written application for authority to organize a
132 banking corporation or a trust company shall be filed with the
133 office by the proposed directors and shall include:

134 (f) Such detailed financial, business, and biographical
135 information as the commission or office may reasonably require
136 for each proposed director, ~~president, chief executive officer~~
137 ~~(if other than the president)~~, and, if applicable, trust officer
138 ~~(if applicable).~~

139 Section 6. Subsection (1) of section 660.33, Florida
140 Statutes, is amended to read:

141 660.33 Trust service offices.—

142 (1) In addition to its principal office and any branch
143 trust company authorized under s. 658.26 ~~s. 660.32~~, a trust
144 company or a trust department with its principal place of doing
145 business in this state may maintain one or more trust service

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146 offices at the location of any bank, association, or credit
147 union that ~~which~~ is organized under the laws of this state or
148 under the laws of the United States with its principal place of
149 doing business in this state. However, a trust service office
150 may be established only after the trust company or ~~the~~ trust
151 department has secured the consent of a majority of the
152 stockholders or members entitled to vote on such proposal at a
153 meeting of stockholders or members, and of a majority of the
154 board of directors, of the bank, association, or credit union at
155 which a trust service office is proposed to be maintained, and
156 after a certificate of authorization has been issued to the
157 trust company or ~~the~~ trust department by the office.

158 Section 7. Section 663.08, Florida Statutes, is amended to
159 read:

160 663.08 Certification of capital accounts.—Before opening an
161 office in this state, and annually thereafter so long as a bank
162 office is maintained in this state, an international banking
163 corporation licensed pursuant to ss. 663.01-663.14 shall certify
164 to the office the amount of its capital accounts, expressed in
165 the currency of the jurisdiction of its incorporation. The
166 dollar equivalent of these amounts, as determined by the office,
167 shall be deemed to be the amount of its capital accounts. The
168 annual certification of capital accounts must be received by the
169 office on or before June 30 of each year.

170 Section 8. For the purpose of incorporating the amendment
171 made by this act to section 655.005, Florida Statutes, in a
172 reference thereto, subsection (8) of section 655.960, Florida
173 Statutes, is reenacted to read:

174 655.960 Definitions; ss. 655.960-655.965.—As used in this

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175 section and ss. 655.961-655.965, unless the context otherwise
176 requires:

177 (8) "Financial institution office" means a main office or
178 principal office, as defined in s. 655.005, and a branch or
179 branch office as defined in s. 658.12(4).

180 Section 9. For the purpose of incorporating the amendment
181 made by this act to section 655.005, Florida Statutes, in a
182 reference thereto, paragraph (a) of subsection (1) of section
183 663.302, Florida Statutes, is reenacted to read:

184 663.302 Applicability of state banking laws.—

185 (1)(a) International development banks shall be subject to
186 the following provisions of chapter 655 as though such
187 international development banks were state banks:

188 1. Section 655.005, relating to definitions.

189 2. Section 655.012, relating to general supervisory powers
190 of the office.

191 3. Section 655.016, relating to liability.

192 4. Section 655.031, relating to administrative enforcement
193 guidelines.

194 5. Section 655.032, relating to investigations; etc.

195 6. Section 655.0321, relating to hearings and proceedings.

196 7. Section 655.033, relating to cease and desist orders.

197 8. Section 655.034, relating to injunctions.

198 9. Section 655.037, relating to removal of financial
199 institution-affiliated party.

200 10. Section 655.041, relating to administrative fines.

201 11. Section 655.043, relating to articles of incorporation.

202 12. Section 655.044, relating to accounting practices.

203 13. Section 655.045, relating to examinations, reports, and

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204 internal audits.

205 14. Section 655.049, relating to deposit of fees and
206 assessments.

207 15. Section 655.057, relating to records.

208 16. Section 655.071, relating to international banking
209 facilities.

210 17. Section 655.50, relating to reports of transactions
211 involving currency.

212 Section 10. For the purpose of incorporating the amendment
213 made by this act to section 658.19, Florida Statutes, in a
214 reference thereto, subsection (1) of section 658.165, Florida
215 Statutes, is reenacted to read:

216 658.165 Banker's banks; formation; applicability of
217 financial institutions codes; exceptions.—

218 (1) If authorized by the office, a corporation may be
219 formed under the laws of this state for the purpose of becoming
220 a banker's bank. An application for authority to organize a
221 banker's bank is subject to ss. 658.19, 658.20, and 658.21,
222 except that s. 658.20(1)(b) and (c) and the minimum stock
223 ownership requirements for the organizing directors provided in
224 s. 658.21(2) do not apply.

225 Section 11. For the purpose of incorporating the amendment
226 made by this act to section 658.19, Florida Statutes, in a
227 reference thereto, subsection (3) of section 665.013, Florida
228 Statutes, is reenacted to read:

229 665.013 Applicability of chapter 658.—The following
230 sections of chapter 658, relating to banks and trust companies,
231 are applicable to an association to the same extent as if the
232 association were a "bank" operating thereunder:

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233 (3) Section 658.19, relating to application for authority
234 to organize a bank or trust company.

235 Section 12. For the purpose of incorporating the amendment
236 made by this act to section 658.19, Florida Statutes, in a
237 reference thereto, subsection (3) of section 667.003, Florida
238 Statutes, is reenacted to read:

239 667.003 Applicability of chapter 658.—Any state savings
240 bank is subject to all the provisions, and entitled to all the
241 privileges, of the financial institutions codes except where it
242 appears, from the context or otherwise, that such provisions
243 clearly apply only to banks or trust companies organized under
244 the laws of this state or the United States. Without limiting
245 the foregoing general provisions, it is the intent of the
246 Legislature that the following provisions apply to a savings
247 bank to the same extent as if the savings bank were a "bank"
248 operating under such provisions:

249 (3) Section 658.19, relating to application for authority
250 to organize a bank or trust company.

251 Section 13. For the purpose of incorporating the amendment
252 made by this act to section 660.33, Florida Statutes, in a
253 reference thereto, subsection (4) of section 658.12, Florida
254 Statutes, is reenacted to read:

255 658.12 Definitions.—Subject to other definitions contained
256 in the financial institutions codes and unless the context
257 otherwise requires:

258 (4) "Branch" or "branch office" of a bank means any office
259 or place of business of a bank, other than its main office and
260 the facilities and operations authorized by ss. 658.26(4) and
261 660.33, at which deposits are received, checks are paid, or

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262 money is lent. With respect to a bank that has a trust
263 department, the terms have the meanings herein ascribed to a
264 branch or a branch office of a trust company and mean any office
265 or place of business of a trust company, other than its main
266 office and its trust service offices established pursuant to s.
267 660.33, where trust business is transacted with its customers.
268 Section 14. This act shall take effect October 1, 2015.