

1                                   A bill to be entitled  
2           An act relating to family trust companies; amending s.  
3           662.102, F.S.; revising the purposes of the Family  
4           Trust Company Act; providing legislative findings;  
5           amending s. 662.111, F.S.; redefining the term  
6           "officer"; creating s. 662.113, F.S.; specifying the  
7           applicability of other chapters of the financial  
8           institutions codes to family trust companies;  
9           providing that the section does not limit the  
10          authority of the Office of Financial Regulation to  
11          investigate an entity to ensure that it does not  
12          violate of chapter 662, F.S., or applicable provisions  
13          of the financial institutions codes; amending s.  
14          662.120, F.S.; revising the ancestry requirements for  
15          designated relatives of a licensed family trust  
16          company; amending s. 662.1215, F.S.; revising the  
17          requirements for investigations of license applicants  
18          by the Office of Financial Regulation; amending s.  
19          662.122, F.S.; revising the requirements for  
20          registration of a family trust company and a foreign  
21          licensed family trust company; amending s. 662.1225,  
22          F.S.; requiring a foreign licensed family trust  
23          company to be in compliance with the family trust laws  
24          and regulations in its jurisdiction; specifying the  
25          date by which family trust companies must be  
26          registered or licensed or, if not registered or

27 licensed, cease doing business in this state; amending  
28 s. 662.123, F.S.; revising the types of amendments to  
29 organizational documents which must have prior  
30 approval by the office; amending s. 662.128, F.S.;

31 extending the deadline for the filing of, and revising  
32 the requirements for, specified license and  
33 registration renewal applications; amending s.  
34 662.132, F.S.; revising the authority of specified  
35 family trust companies while acting as fiduciaries to  
36 purchase certain bonds and securities; revising the  
37 prohibition against the purchase of certain bonds or  
38 securities by specified family trust companies;

39 amending s. 662.141, F.S.; revising the purposes for  
40 which the office may examine or investigate a family  
41 trust company that is not licensed and a foreign  
42 licensed family trust company; deleting the  
43 requirement that the office examine a family trust  
44 company that is not licensed and a foreign licensed  
45 family trust company; providing that the office may  
46 rely upon specified documentation that identifies the  
47 qualifications of beneficiaries as permissible  
48 recipients of family trust company services; deleting  
49 a provision that authorizes the office to accept an  
50 audit by a certified public accountant in lieu of an  
51 examination by the office; authorizing the Financial  
52 Services Commission to adopt rules establishing

53 | specified requirements for family trust companies;  
54 | amending s. 662.142, F.S.; deleting a provision that  
55 | authorizes the office to immediately revoke the  
56 | license of a licensed family trust company under  
57 | certain circumstances; revising the circumstances  
58 | under which the office may enter an order revoking the  
59 | license of a licensed family trust company; amending  
60 | s. 662.143, F.S.; revising the acts that may result in  
61 | the entry of a cease and desist order against  
62 | specified family trust companies and affiliated  
63 | parties; amending s. 662.144, F.S.; authorizing a  
64 | family trust company to have its terminated  
65 | registration or revoked license reinstated under  
66 | certain circumstances; revising the timeframe for a  
67 | family trust company to wind up its affairs under  
68 | certain circumstances; requiring the deposit of  
69 | certain fees and fines in the Financial Institutions'  
70 | Regulatory Trust Fund; amending s. 662.145, F.S.;  
71 | revising the office's authority to suspend a family  
72 | trust company-affiliated party who is charged with a  
73 | specified felony or to restrict or prohibit the  
74 | participation of such party in certain financial  
75 | institutions; s. 662.150, F.S.; making a technical  
76 | change; amending s. 662.151, F.S.; conforming a  
77 | provision to changes made by the act; providing an  
78 | effective date.

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

Section 1. Section 662.102, Florida Statutes, is amended to read:

662.102 Purposes; findings Purpose.—The purposes ~~purpose~~ of the Family Trust Company Act are ~~is~~ to establish requirements for licensing family trust companies, to regulate ~~provide~~ ~~regulation of these~~ persons who provide fiduciary services to family members of no more than two families and their related interests as a family trust company, and to establish the degree of regulatory oversight required of the Office of Financial Regulation over such companies. The ~~Unlike trust companies formed under chapter 658,~~ there is no public interest to be served by this chapter is to ensure ~~outside of ensuring~~ that fiduciary activities performed by a family trust company are restricted to family members and their related interests and as otherwise provided ~~for~~ in this chapter. Therefore, the Legislature finds that:

(1) A family trust company is ~~companies are~~ not a financial institution ~~institutions~~ within the meaning of the financial institutions codes, and ~~and~~ Licensure of such a company ~~these companies~~ pursuant to chapters 658 and 660 is ~~should~~ not be required as it would not promote the purposes of the codes specified ~~as set forth~~ in s. 655.001.

(2) A family trust company may elect to be a licensed

105 family trust company under this chapter if the company desires  
 106 to be subject to the regulatory oversight of the office, as  
 107 provided in this chapter, notwithstanding that the company  
 108 restricts its services to family members.

109 (3) With respect to: ~~Consequently, the office~~

110 (a) A licensed ~~of Financial Regulation is not responsible~~  
 111 ~~for regulating~~ family trust company, the office is responsible  
 112 for regulating, supervising, and examining the company as  
 113 provided under this chapter.

114 (b) A family trust company that does not elect to be  
 115 licensed and a foreign licensed family trust company, ~~companies~~  
 116 ~~to ensure their safety and soundness, and the responsibility of~~  
 117 ~~the office's role~~ ~~office~~ is limited to ensuring that fiduciary  
 118 services provided by the company ~~such companies~~ are restricted  
 119 to family members and authorized related interests and not to  
 120 the general public. The office is not responsible for examining  
 121 a family trust company or a foreign licensed family trust  
 122 company regarding the safety or soundness of its operations.

123 Section 2. Subsection (19) of section 662.111, Florida  
 124 Statutes, is amended to read:

125 662.111 Definitions.—As used in this chapter, the term:

126 (19) "Officer" of a family trust company means an  
 127 individual, regardless of whether the individual has an official  
 128 title or receives a salary or other compensation, who may  
 129 participate in the major policymaking functions of a family  
 130 trust company, other than as a director. The term does not

131 include an individual who may have an official title and  
 132 exercise discretion in the performance of duties and functions,  
 133 but who does not participate in determining the major policies  
 134 of the family trust company and whose decisions are limited by  
 135 policy standards established by other officers, regardless of  
 136 whether the policy standards have been adopted by the board of  
 137 directors. The chair of the board of directors, the president,  
 138 the chief officer, the chief financial officer, the senior trust  
 139 officer, and all executive vice presidents of a family trust  
 140 company, and all managers if organized as a limited liability  
 141 company, are presumed to be ~~executive~~ officers unless such  
 142 officer is excluded, by resolution of the board of directors or  
 143 members or by the bylaws or operating agreement of the family  
 144 trust company, other than in the capacity of a director, from  
 145 participating in major policymaking functions of the family  
 146 trust company, and such excluded officer does not actually  
 147 participate therein.

148 Section 3. Section 662.113, Florida Statutes, is created  
 149 to read:

150 662.113 Applicability of other chapters of the financial  
 151 institutions codes.—If a family trust company, licensed family  
 152 trust company, or foreign licensed family trust company limits  
 153 its activities to the activities authorized under this chapter,  
 154 the provisions of other chapters of the financial institutions  
 155 codes do not apply to the trust company unless otherwise  
 156 expressly provided in this chapter. This section does not limit

157 the office's authority to investigate an entity to ensure that  
158 it does not violate this chapter or applicable provisions of the  
159 financial institutions codes.

160 Section 4. Subsection (2) of section 662.120, Florida  
161 Statutes, is amended to read:

162 662.120 Maximum number of designated relatives.—

163 (2) A licensed family trust company may ~~not~~ have up to  
164 ~~more than~~ two designated relatives, ~~and~~ The designated  
165 relatives may not have a common ancestor within three ~~five~~  
166 generations.

167 Section 5. Paragraph (e) is added to subsection (2) of  
168 section 662.1215, Florida Statutes, to read:

169 662.1215 Investigation of license applicants.—

170 (2) Upon filing an application for a license to operate as  
171 a licensed family trust company, the office shall conduct an  
172 investigation to confirm:

173 (e) That the management structure of the proposed company  
174 complies with s. 662.125.

175 Section 6. Paragraph (b) of subsection (1) and paragraphs  
176 (a) and (c) of subsection (2) of section 662.122, Florida  
177 Statutes, are amended to read:

178 662.122 Registration of a family trust company or a  
179 foreign licensed family trust company.—

180 (1) A family trust company that is not applying under s.  
181 662.121 to become a licensed family trust company must register  
182 with the office before beginning operations in this state. The

183 registration application must:

184 (b) State that the family trust company is a family trust  
 185 company as defined under this chapter and that its operations  
 186 will comply with ss. 662.1225, 662.123(1), 662.124, 662.125,  
 187 662.127, 662.131, and 662.134.

188 (2) A foreign licensed family trust company must register  
 189 with the office before beginning operations in this state.

190 (a) The registration application must state that its  
 191 operations will comply with ss. 662.1225, 662.125, 662.127,  
 192 662.131, and 662.134 and that it is currently in compliance with  
 193 the family trust company laws and regulations of its principal  
 194 jurisdiction.

195 (c) The registration must include a certified copy of a  
 196 certificate of good standing, or an equivalent document,  
 197 authenticated by the official having custody of records in the  
 198 jurisdiction where the foreign licensed family trust company is  
 199 organized, along with satisfactory proof, as determined by the  
 200 office, that the company is organized in a manner similar to a  
 201 family trust company as defined under this chapter and is in  
 202 compliance with the family trust company laws and regulations of  
 203 its principal jurisdiction.

204 Section 7. Subsection (2) of section 662.1225, Florida  
 205 Statutes, is amended, and subsection (3) is added to that  
 206 section, to read:

207 662.1225 Requirements for a family trust company, licensed  
 208 family trust company, and foreign licensed family trust



209 company.—

210 (2) In order to operate in this state, a foreign licensed  
211 family trust company must be in good standing in its principal  
212 jurisdiction, must be in compliance with the family trust  
213 company laws and regulations of its principal jurisdiction, and  
214 must maintain:

215 (a) An office physically located in this state where  
216 original or true copies of all records and accounts of the  
217 foreign licensed family trust company pertaining to its  
218 operations in this state may be accessed and made readily  
219 available for examination by the office in accordance with this  
220 chapter.

221 (b) A registered agent who has an office in this state at  
222 the street address of the registered agent.

223 (c) All applicable state and local business licenses,  
224 charters, and permits.

225 (d) A deposit account with a state-chartered or national  
226 financial institution that has a principal or branch office in  
227 this state.

228 (3) A company in operation as of October 1, 2015, which  
229 meets the definition of a family trust company, must, on or  
230 before December 30, 2015, apply for licensure as a licensed  
231 family trust company, register as a family trust company or  
232 foreign licensed family trust company, or cease doing business  
233 in this state.

234 Section 8. Subsection (2) of section 662.123, Florida

235 Statutes, is amended to read:

236 662.123 Organizational documents; use of term "family  
237 trust" in name.—

238 (2) A proposed amendment to the articles of incorporation,  
239 articles of organization, certificate of formation, or  
240 certificate of organization, ~~bylaws, or articles of organization~~  
241 ~~of a limited liability company,~~ family trust company, or  
242 licensed family trust company must be submitted to the office  
243 for review at least 30 days before it is filed or effective. An  
244 amendment is not considered filed or effective if the office  
245 issues a notice of disapproval with respect to the proposed  
246 amendment.

247 Section 9. Subsections (1) through (4) of section 662.128,  
248 Florida Statutes, are amended to read:

249 662.128 Annual renewal.—

250 (1) Within 45 ~~30~~ days after the end of each calendar year,  
251 a family trust company ~~companies,~~ licensed family trust company  
252 ~~companies,~~ or ~~and~~ foreign licensed family trust company  
253 ~~companies~~ shall file its ~~their~~ annual renewal application with  
254 the office.

255 (2) The license renewal application filed by a licensed  
256 family trust company must include a verified statement by an  
257 authorized representative of the trust company that:

258 (a) The licensed family trust company operated in full  
259 compliance with this chapter, chapter 896, or similar state or  
260 federal law, or any related rule or regulation. The application

261 must include proof acceptable to the office that the company is  
 262 a family trust company as defined under this chapter.

263 (b) Describes any material changes to its operations,  
 264 principal place of business, directors, officers, managers,  
 265 members acting in a managerial capacity, and designated  
 266 relatives since the end of the preceding calendar year.

267 (3) The registration renewal application filed by a family  
 268 trust company must include:

269 (a) A verified statement by an authorized representative  
 270 ~~officer~~ of the trust company that it is a family trust company  
 271 as defined under this chapter and that its operations are in  
 272 compliance with ss. 662.1225, 662.123(1), 662.124, 662.125,  
 273 662.127, 662.131, and 662.134, ~~chapter 896,~~ or similar state  
 274 or federal law, or ~~any~~ related rule or regulation.

275 (b) ~~, and include~~ The name of the company's ~~its~~ designated  
 276 relative or relatives, if applicable, and the street address for  
 277 its principal place of business.

278 (4) The registration renewal application filed by a  
 279 foreign licensed family trust company must include a verified  
 280 statement by an authorized representative of the trust company  
 281 that its operations are in compliance with ss. 662.1225,  
 282 662.125, 662.131, and 662.134 and in compliance with the family  
 283 trust company laws and regulations of its principal  
 284 jurisdiction. It must also provide:

285 (a) The current telephone number and street address of the  
 286 physical location of its principal place of business in its

287 principal jurisdiction.

288 (b) The current telephone number and street address of the  
 289 physical location in this state of its principal place of  
 290 operations where its books and records pertaining to its  
 291 operations in this state are maintained.

292 (c) The current telephone number and address of the  
 293 physical location of any other offices located in this state.

294 (d) The name and current street address in this state of  
 295 its registered agent.

296 (e) Documentation satisfactory to the office that the  
 297 foreign licensed family trust company is in compliance with the  
 298 family trust company laws and regulations of its principal  
 299 jurisdiction.

300 Section 10. Subsections (4) and (7) of section 662.132,  
 301 Florida Statutes, are amended to read:

302 662.132 Investments.—

303 (4) Notwithstanding any other law, a family trust company  
 304 or licensed family trust company may, while acting as a  
 305 fiduciary, purchase directly from underwriters or broker-dealers  
 306 ~~distributors~~ or in the secondary market:

307 (a) Bonds or other securities underwritten or brokered  
 308 ~~distributed~~ by:

- 309 1. The family trust company or licensed family trust  
 310 company;
- 311 2. A family affiliate; or
- 312 3. A syndicate, including the family trust company,

313 licensed family trust company, or family affiliate.

314 (b) Securities of an investment company, including a  
 315 mutual fund, closed-end fund, or unit investment trust, as  
 316 defined under the federal Investment Company Act of 1940, for  
 317 which the family trust company or licensed family trust company  
 318 acts as an advisor, custodian, distributor, manager, registrar,  
 319 shareholder servicing agent, sponsor, or transfer agent.

320 (7) Notwithstanding subsections (1)-(6), a family trust  
 321 company or licensed family trust company may not, while acting  
 322 as a fiduciary, purchase a bond or security issued by the  
 323 company or its parent, or a subsidiary company ~~an affiliate~~  
 324 thereof or its parent, unless:

325 (a) The family trust company or licensed family trust  
 326 company is expressly authorized to do so by:

- 327 1. The terms of the instrument creating the trust;
- 328 2. A court order;
- 329 3. The written consent of the settlor of the trust for  
 330 which the family trust company or licensed family trust company  
 331 is serving as trustee; or

- 332 4. The written consent of every adult qualified  
 333 beneficiary of the trust who, at the time of such purchase, is  
 334 entitled to receive income under the trust or who would be  
 335 entitled to receive a distribution of principal if the trust  
 336 were terminated; and

337 (b) The purchase of the security is at a fair price and  
 338 complies with:

339 1. The prudent investor rule in s. 518.11~~7~~ or other  
340 prudent investor or similar rule under other applicable law,  
341 unless ~~such~~ compliance is waived in accordance with s. 518.11 or  
342 other applicable law.

343 2. The terms of the instrument, judgment, decree, or order  
344 establishing the fiduciary relationship.

345 Section 11. Section 662.141, Florida Statutes, is amended  
346 to read:

347 662.141 Examination, investigations, and fees.—The office  
348 may conduct an examination or investigation of a ~~family trust~~  
349 ~~company~~, licensed family trust company, ~~or foreign licensed~~  
350 ~~family trust company~~ at any time it deems necessary to determine  
351 whether the a family trust company, licensed family trust  
352 company, ~~foreign licensed family trust company~~, or licensed  
353 family trust company-affiliated party thereof ~~person~~ has  
354 violated or is about to violate any provision of this chapter,  
355 ~~or rules adopted by the commission pursuant to this chapter, or~~  
356 any applicable provision of the financial institution codes, or  
357 any rule ~~rules~~ adopted by the commission pursuant to this  
358 chapter or the such codes. The office may conduct an examination  
359 or investigation of a family trust company or foreign licensed  
360 family trust company at any time it deems necessary to determine  
361 whether the family trust company or foreign licensed family  
362 trust company has engaged in any act prohibited under s. 662.131  
363 or s. 662.134 and, if a family trust company or a foreign  
364 licensed family trust company has engaged in such act, to

365 determine whether any applicable provision of the financial  
366 institution codes has been violated.

367 (1) The office may rely upon a certificate of trust, trust  
368 summary, or written statement from the trust company which  
369 identifies the qualified beneficiaries of any trust or estate  
370 for which a family trust company, licensed family trust company,  
371 or foreign licensed family trust company serves as a fiduciary  
372 and the qualifications of such beneficiaries as permissible  
373 recipients of company services.

374 (2) The office shall conduct an examination of a licensed  
375 family trust company, ~~family trust company, and foreign licensed~~  
376 ~~family trust company~~ at least once every 36 ~~18~~ months.

377 ~~(2) In lieu of an examination by the office, the office~~  
378 ~~may accept an audit of a family trust company, licensed family~~  
379 ~~trust company, or foreign licensed family trust company by a~~  
380 ~~certified public accountant licensed to practice in this state~~  
381 ~~who is independent of the company, or other person or entity~~  
382 ~~acceptable to the office. If the office accepts an audit~~  
383 ~~pursuant to this subsection, the office shall conduct the next~~  
384 ~~required examination.~~

385 ~~(3) The office shall examine the books and records of a~~  
386 ~~family trust company or licensed family trust company as~~  
387 ~~necessary to determine whether it is a family trust company or~~  
388 ~~licensed family trust company as defined in this chapter, and is~~  
389 ~~operating in compliance with this chapter ss. ~~662.1225, 662.125,~~~~  
390 ~~662.126, 662.131, and 662.134, as applicable. The office may~~

391 ~~rely upon a certificate of trust, trust summary, or written~~  
392 ~~statement from the trust company identifying the qualified~~  
393 ~~beneficiaries of any trust or estate for which the family trust~~  
394 ~~company serves as a fiduciary and the qualification of the~~  
395 ~~qualified beneficiaries as permissible recipients of company~~  
396 ~~services. The commission may establish by rule the records to be~~  
397 ~~maintained or requirements necessary to demonstrate conformity~~  
398 ~~with this chapter as a family trust company or licensed family~~  
399 ~~trust company.~~

400 (3)~~(4)~~ The office shall examine the books and records of a  
401 foreign licensed family trust company as necessary to determine  
402 if it is a foreign licensed trust company as defined in this  
403 chapter and is in compliance with ss. 662.1225, 662.125,  
404 662.130(2), 662.131, and 662.134. In connection with an  
405 examination of the books and records of the company, the office  
406 may rely upon the most recent examination report or review or  
407 certification letters or similar documentation issued by the  
408 regulatory agency to which the foreign licensed family trust  
409 company is subject to supervision. ~~The commission may establish~~  
410 ~~by rule the records to be maintained or requirements necessary~~  
411 ~~to demonstrate conformity with this chapter as a foreign~~  
412 ~~licensed family trust company.~~ The office's examination of the  
413 books and records of a foreign licensed family trust company is,  
414 to the extent practicable, limited to books and records of the  
415 operations in this state.

416 (4)~~(5)~~ For each examination of the books and records of a



417 family trust company, licensed family trust company, or foreign  
418 licensed family trust company as authorized under this chapter,  
419 the trust company shall pay a fee for the costs of the  
420 examination by the office. As used in this section, the term  
421 "costs" means the salary and travel expenses of field staff  
422 which are directly attributable to the examination of the trust  
423 company and the travel expenses of any supervisory and ~~or~~  
424 support staff required as a result of examination findings. The  
425 mailing of payment for costs incurred must be postmarked within  
426 30 days after the receipt of a notice stating that the ~~such~~  
427 costs are due. The office may levy a late payment of up to \$100  
428 per day or part thereof that a payment is overdue, unless waived  
429 for good cause. However, if the late payment of costs is  
430 intentional, the office may levy an administrative fine of up to  
431 \$1,000 per day for each day the payment is overdue.

432 (5) ~~(6)~~ All fees collected under this section must be  
433 deposited into the Financial Institutions' Regulatory Trust Fund  
434 pursuant to s. 655.049 for the purpose of administering this  
435 chapter.

436 (6) The commission may establish by rule the records to be  
437 maintained or requirements necessary to demonstrate conformity  
438 with this chapter as a family trust company, licensed family  
439 trust company, or foreign licensed family trust company.

440 Section 12. Section 662.142, Florida Statutes, is amended  
441 to read:

442 662.142 Revocation of license.—

443           (1) Any of the following acts constitute ~~or conduct~~  
 444 ~~constitutes~~ grounds for the revocation by the office of the  
 445 license of a licensed family trust company:

446           (a) The company is not a family trust company as defined  
 447 in this chapter.~~†~~

448           (b) A violation of s. 662.1225, s. 662.123(1)(a), s.  
 449 662.125(2), s. 662.126, s. 662.127, s. 662.128, s. 662.130, s.  
 450 662.131, s. 662.134, or s. 662.144.~~†~~

451           (c) A violation of chapter 896, relating to financial  
 452 transactions offenses, or a ~~any~~ similar state or federal law or  
 453 ~~any~~ related rule or regulation.~~†~~

454           (d) A violation of any rule of the commission.~~†~~

455           (e) A violation of any order of the office.~~†~~

456           (f) A breach of any written agreement with the office.~~†~~

457           (g) A prohibited act or practice under s. 662.131.~~†~~

458           (h) A failure to provide information or documents to the  
 459 office upon written request.~~†~~ ~~or~~

460           (i) An act of commission or omission which ~~that~~ is  
 461 judicially determined by a court of competent jurisdiction to be  
 462 a breach of trust or ~~of~~ fiduciary duty ~~pursuant to a court of~~  
 463 ~~competent jurisdiction.~~

464           (2) If the office finds ~~Upon a finding~~ that a licensed  
 465 family trust company has committed any of the acts specified ~~set~~  
 466 ~~forth~~ in subsection (1) ~~paragraphs (1)(a)-(h)~~, the office may  
 467 enter an order suspending the company's license and provide  
 468 notice of its intention to revoke the license and of the

469 opportunity for a hearing pursuant to ss. 120.569 and 120.57.

470 (3) If a hearing is not timely requested pursuant to ss.  
 471 120.569 and 120.57 or if a hearing is held and it has been  
 472 determined that the licensed family trust company has committed  
 473 any of the acts specified in subsection (1) there has been a  
 474 commission or omission under paragraph (1)(i), the office may  
 475 ~~immediately~~ enter an order revoking the company's license. ~~A~~ The  
 476 licensed family trust company has ~~shall have~~ 90 days to wind up  
 477 its affairs after license revocation. If after 90 days the  
 478 company is still in operation, the office may seek an order from  
 479 the circuit court for the annulment or dissolution of the  
 480 company.

481 Section 13. Subsection (1) of section 662.143, Florida  
 482 Statutes, is amended to read:

483 662.143 Cease and desist authority.—

484 (1) The office may issue and serve upon a family trust  
 485 company, licensed family trust company, ~~or~~ foreign licensed  
 486 family trust company, or ~~upon a~~ family trust company-affiliated  
 487 party, a complaint stating charges if the office has reason to  
 488 believe that such company, family trust company-affiliated  
 489 party, or individual named therein is engaging in or has engaged  
 490 in any of the following acts ~~conduct that~~:

491 (a) ~~Indicates that~~ The company is not a family trust  
 492 company or foreign licensed family trust company as defined in  
 493 this chapter. ~~†~~

494 (b) ~~Is~~ A violation of s. 662.1225, s. 662.123(1)(a), s.

495 662.125(2), s. 662.126, s. 662.127, s. 662.128, s. 662.130, or  
 496 s. 662.134.~~†~~

497 (c) ~~Is~~ A violation of any rule of the commission.~~†~~

498 (d) ~~Is~~ A violation of any order of the office.~~†~~

499 (e) ~~Is~~ A breach of any written agreement with the office.~~†~~

500 (f) ~~Is~~ A prohibited act or practice pursuant to s.  
 501 662.131.~~†~~

502 (g) ~~Is~~ A willful failure to provide information or  
 503 documents to the office upon written request.~~†~~

504 (h) ~~Is~~ An act of commission or omission that is judicially  
 505 determined by ~~or~~ a court of competent jurisdiction ~~practice that~~  
 506 ~~the office has reason to be believe is~~ a breach of trust or ~~of~~  
 507 fiduciary duty.~~†~~ ~~or~~

508 (i) ~~Is~~ A violation of chapter 896 or similar state or  
 509 federal law or any related rule or regulation.

510 Section 14. Section 662.144, Florida Statutes, is amended  
 511 to read:

512 662.144 Failure to submit required report; fines.—If a  
 513 family trust company, licensed family trust company, or foreign  
 514 licensed family trust company fails to submit within the  
 515 prescribed period its annual renewal or any other report  
 516 required by this chapter or any rule, the office may impose a  
 517 fine of up to \$100 for each day that the annual renewal or  
 518 report is overdue. Failure to provide the annual renewal within  
 519 60 days after the end of the calendar year shall automatically  
 520 result in termination of the registration of a family trust

521 company or foreign licensed family trust company or revocation  
 522 of the license of a licensed family trust company. A family  
 523 trust company may have its registration or license automatically  
 524 reinstated by submitting to the office, on or before August 31  
 525 of the calendar year in which the renewal application is due,  
 526 the company's annual renewal application and fee required under  
 527 s. 662.128, a \$500 late fee, and the amount of any fine imposed  
 528 by the office under this section. A family ~~The~~ trust company  
 529 that fails to renew or reinstate its registration or license  
 530 must ~~shall thereafter have 90 days to~~ wind up its affairs on or  
 531 before November 30 of the calendar year in which such failure  
 532 occurs. Fees and fines collected under this section shall be  
 533 deposited into the Financial Institutions' Regulatory Trust Fund  
 534 pursuant to s. 655.049 for the purpose of administering this  
 535 chapter.

536 Section 15. Paragraph (a) of subsection (6) of section  
 537 662.145, Florida Statutes, is amended to read:

538 662.145 Grounds for removal.—

539 (6) The chief executive officer, or the person holding the  
 540 equivalent office, of a family trust company or licensed family  
 541 trust company shall promptly notify the office if he or she has  
 542 actual knowledge that a family trust company-affiliated party is  
 543 charged with a felony in a state or federal court.

544 (a) If a family trust company-affiliated party is charged  
 545 with a felony in a state or federal court, or is charged with an  
 546 offense in a court ~~the courts~~ of a foreign country with which

547 the United States maintains diplomatic relations which involves  
548 a violation of law relating to fraud, currency transaction  
549 reporting, money laundering, theft, or moral turpitude and the  
550 charge is equivalent to a felony charge under state or federal  
551 law, the office may enter an emergency order suspending the  
552 family trust company-affiliated party or restricting or  
553 prohibiting participation by such ~~company-affiliated~~ party in  
554 the affairs of that particular family trust company or licensed  
555 family trust company or any state financial institution,  
556 subsidiary, or service corporation, upon service of the order  
557 upon the company and ~~the~~ family trust company-affiliated party  
558 ~~se~~ charged.

559 Section 16. Paragraph (b) of subsection (1) of section  
560 662.150, Florida Statutes, is amended to read:

561 662.150 Domestication of a foreign family trust company.—

562 (1) A foreign family trust company lawfully organized and  
563 currently in good standing with the state regulatory agency in  
564 the jurisdiction where it is organized may become domesticated  
565 in this state by:

566 (b) Filing an application for a license to begin  
567 operations as a licensed family trust company in accordance with  
568 s. 662.121, which must first be approved by the office, or by  
569 filing the prescribed form with the office to register as a  
570 family trust company to begin operations in accordance with s.  
571 662.122.

572 Section 17. Subsection (3) of section 662.151, Florida

573 Statutes, is amended to read:

574       662.151 Registration of a foreign licensed family trust  
575 company to operate in this state.—A foreign licensed family  
576 trust company lawfully organized and currently in good standing  
577 with the state regulatory agency in the jurisdiction under the  
578 law of which it is organized may qualify to begin operations in  
579 this state by:

580       ~~(3) A company in operation as of the effective date of~~  
581 ~~this act that meets the definition of a family trust company~~  
582 ~~shall have 90 days from the effective date of this act to apply~~  
583 ~~for licensure as a licensed family trust company, register as a~~  
584 ~~family trust company or foreign licensed family trust company,~~  
585 ~~or cease doing business in this state.~~

586       Section 18. This act shall take effect October 1, 2015.