

By Senator Richter

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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 any entity to ensure that it is not in  
12      violation of ch. 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 principal jurisdiction;  
25      specifying the date upon which family trust companies  
26      must be registered or licensed or, if not registered  
27      or licensed, cease doing business in this state;  
28      amending s. 662.123, F.S.; revising the types of  
29      amendments to organizational documents which must have

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30 prior approval by the office; amending s. 662.128,  
31 F.S.; extending the deadline for the filing of, and  
32 revising 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; providing that the  
43 office may rely upon specified documentation that  
44 identifies the qualifications of beneficiaries as  
45 permissible recipients of family trust company  
46 services; deleting the requirement that the office  
47 examine a family trust company that is not licensed  
48 and a foreign licensed family trust company; 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.; revising the circumstances  
55 under which the office may enter an order revoking the  
56 license of a licensed family trust company; deleting a  
57 provision that authorizes the office to immediately  
58 revoke the license of a licensed family trust company

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

78

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

80

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

83 662.102 Purposes; findings Purpose.—The purposes ~~purpose~~ of  
84 the Family Trust Company Act are ~~is~~ to establish requirements  
85 for licensing family trust companies, to regulate ~~provide~~  
86 ~~regulation of those~~ persons who provide fiduciary services to  
87 family members of no more than two families and their related

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88 interests as a family trust company, and to establish the degree  
89 of regulatory oversight required of the Office of Financial  
90 Regulation over such companies. The ~~Unlike trust companies~~  
91 ~~formed under chapter 658, there is no public interest to be~~  
92 ~~served by this chapter is to ensure~~ outside of ensuring that  
93 fiduciary activities performed by a family trust company are  
94 restricted to family members and their related interests and as  
95 otherwise provided ~~for~~ in this chapter. Therefore, the  
96 Legislature finds that:

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

103 (2) A family trust company may elect to be a licensed  
104 family trust company under this chapter if the company desires  
105 to be subject to the regulatory oversight of the office, as  
106 provided in this chapter, notwithstanding that the company  
107 restricts its services to family members.

108 (3) With respect to:

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

113 (b) A family trust company that does not elect to be  
114 licensed and a foreign licensed family trust company, ~~companies~~  
115 ~~to ensure their safety and soundness, and the responsibility of~~  
116 the office's role ~~office~~ is limited to ensuring that fiduciary

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117 services provided by the company ~~such companies~~ are restricted  
118 to family members and authorized related interests and not to  
119 the general public. The office is not responsible for examining  
120 a family trust company or a foreign licensed family trust  
121 company regarding the safety or soundness of its operations.

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

124 662.111 Definitions.—As used in this chapter, the term:

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

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146 participate therein.

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

149 662.113 Applicability of other chapters of the financial  
150 institutions codes.—If a family trust company, licensed family  
151 trust company, or foreign licensed family trust company limits  
152 its activities to the activities authorized under this chapter,  
153 the provisions of other chapters of the financial institutions  
154 codes do not apply to the trust company unless otherwise  
155 expressly provided in this chapter. This section does not limit  
156 the office's authority to investigate any entity to ensure that  
157 it is not in violation of this chapter or applicable provisions  
158 of the financial institutions codes.

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

161 662.120 Maximum number of designated relatives.—

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

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

167 662.1215 Investigation of license applicants.—

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

171 (e) That the management structure of the proposed company  
172 complies with s. 662.125.

173 Section 6. Paragraph (b) of subsection (1) and paragraphs  
174 (a) and (c) of subsection (2) of section 662.122, Florida

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175 Statutes, are amended to read:

176       662.122 Registration of a family trust company or a foreign  
177 licensed family trust company.—

178       (1) A family trust company that is not applying under s.  
179 662.121 to become a licensed family trust company must register  
180 with the office before beginning operations in this state. The  
181 registration application must:

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

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

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

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

202       Section 7. Subsection (2) of section 662.1225, Florida  
203 Statutes, is amended, and subsection (3) is added to that

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204 section, to read:

205 662.1225 Requirements for a family trust company, licensed  
206 family trust company, or foreign licensed family trust company.-

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

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

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

220 (c) All applicable state and local business licenses,  
221 charters, and permits.

222 (d) A deposit account with a state-chartered or national  
223 financial institution that has a principal or branch office in  
224 this state.

225 (3) A company in operation as of October 1, 2016, which  
226 meets the definition of a family trust company, must, on or  
227 before December 30, 2016, apply for licensure as a licensed  
228 family trust company, register as a family trust company or  
229 foreign licensed family trust company, or cease doing business  
230 in this state.

231 Section 8. Subsection (2) of section 662.123, Florida  
232 Statutes, is amended to read:



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233           662.123 Organizational documents; use of term "family  
234 trust" in name.—

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

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

246           662.128 Annual renewal.—

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

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

255           (a) The licensed family trust company operated in full  
256 compliance with this chapter, chapter 896, or similar state or  
257 federal law, or any related rule or regulation. The application  
258 must include proof acceptable to the office that the company is  
259 a family trust company as defined under this chapter.

260           (b) Describes any material changes to its operations,  
261 principal place of business, directors, officers, managers,

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262 members acting in a managerial capacity, and designated  
263 relatives since the end of the preceding calendar year.

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

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

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

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

282 (a) The current telephone number and street address of the  
283 physical location of its principal place of business in its  
284 principal jurisdiction.

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

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

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

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

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

299 662.132 Investments.—

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

304 (a) Bonds or other securities underwritten or brokered  
305 ~~distributed~~ by:

306 1. The family trust company or licensed family trust  
307 company;

308 2. A family affiliate; or

309 3. A syndicate, including the family trust company,  
310 licensed family trust company, or family affiliate.

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

317 (7) Notwithstanding subsections (1)-(6), a family trust  
318 company or licensed family trust company may not, while acting  
319 as a fiduciary, purchase a bond or security issued by the

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320 company or its parent, or a subsidiary company ~~an affiliate~~  
 321 thereof or its parent, unless:

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

324 1. The terms of the instrument creating the trust;

325 2. A court order;

326 3. The written consent of the settlor of the trust for  
 327 which the family trust company or licensed family trust company  
 328 is serving as trustee; or

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

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

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

340 2. The terms of the instrument, judgment, decree, or order  
 341 establishing the fiduciary relationship.

342 Section 11. Section 662.141, Florida Statutes, is amended  
 343 to read:

344 662.141 Examination, investigations, and fees.—The office  
 345 may conduct an examination or investigation of a ~~family trust~~  
 346 ~~company,~~ licensed family trust company, ~~or foreign licensed~~  
 347 ~~family trust company~~ at any time it deems necessary to determine  
 348 whether the ~~a family trust company,~~ licensed family trust

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

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

371 (2) The office shall conduct an examination of a licensed  
372 family trust company, ~~family trust company, or foreign licensed~~  
373 ~~family trust company~~ at least once every 36 ~~18~~ months.

374 ~~(2) In lieu of an examination by the office, the office may~~  
375 ~~accept an audit of a family trust company, licensed family trust~~  
376 ~~company, or foreign licensed family trust company by a certified~~  
377 ~~public accountant licensed to practice in this state who is~~

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378 ~~independent of the company, or other person or entity acceptable~~  
379 ~~to the office. If the office accepts an audit pursuant to this~~  
380 ~~subsection, the office shall conduct the next required~~  
381 ~~examination.~~

382 ~~(3)~~ The office shall examine the books and records of a  
383 ~~family trust company or licensed family trust company as~~  
384 necessary to determine whether it is a ~~family trust company or~~  
385 licensed family trust company as defined in this chapter, and is  
386 operating in compliance with this chapter ss. ~~662.1225, 662.125,~~  
387 ~~662.126, 662.131, and 662.134, as applicable. The office may~~  
388 ~~rely upon a certificate of trust, trust summary, or written~~  
389 ~~statement from the trust company identifying the qualified~~  
390 ~~beneficiaries of any trust or estate for which the family trust~~  
391 ~~company serves as a fiduciary and the qualification of the~~  
392 ~~qualified beneficiaries as permissible recipients of company~~  
393 ~~services. The commission may establish by rule the records to be~~  
394 ~~maintained or requirements necessary to demonstrate conformity~~  
395 ~~with this chapter as a family trust company or licensed family~~  
396 ~~trust company.~~

397 (3)~~(4)~~ The office shall examine the books and records of a  
398 foreign licensed family trust company as necessary to determine  
399 if it is a foreign licensed trust company as defined in this  
400 chapter and is in compliance with ss. 662.1225, 662.125,  
401 662.130(2), 662.131, and 662.134. In connection with an  
402 examination of the books and records of the company, the office  
403 may rely upon the most recent examination report or review or  
404 certification letters or similar documentation issued by the  
405 regulatory agency to which the foreign licensed family trust  
406 company is subject to supervision. ~~The commission may establish~~

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407 ~~by rule the records to be maintained or requirements necessary~~  
408 ~~to demonstrate conformity with this chapter as a foreign~~  
409 ~~licensed family trust company.~~ The office's examination of the  
410 books and records of a foreign licensed family trust company is,  
411 to the extent practicable, limited to books and records of the  
412 operations in this state.

413 (4)~~(5)~~ For each examination of the books and records of a  
414 family trust company, licensed family trust company, or foreign  
415 licensed family trust company as authorized under this chapter,  
416 the trust company shall pay a fee for the costs of the  
417 examination by the office. As used in this section, the term  
418 "costs" means the salary and travel expenses of field staff  
419 which are directly attributable to the examination of the trust  
420 company and the travel expenses of any supervisory and ~~or~~  
421 support staff required as a result of examination findings. The  
422 mailing of payment for costs incurred must be postmarked within  
423 30 days after the receipt of a notice stating that the ~~such~~  
424 costs are due. The office may levy a late payment of up to \$100  
425 per day or part thereof that a payment is overdue, unless waived  
426 for good cause. However, if the late payment of costs is  
427 intentional, the office may levy an administrative fine of up to  
428 \$1,000 per day for each day the payment is overdue.

429 (5)~~(6)~~ All fees collected under this section must be  
430 deposited into the Financial Institutions' Regulatory Trust Fund  
431 pursuant to s. 655.049 for the purpose of administering this  
432 chapter.

433 (6) The commission may establish by rule the records to be  
434 maintained or requirements necessary to demonstrate conformity  
435 with this chapter as a family trust company, licensed family

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436 trust company, or foreign licensed family trust company.

437 Section 12. Section 662.142, Florida Statutes, is amended  
438 to read:

439 662.142 Revocation of license.—

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

443 (a) The company is not a family trust company as defined in  
444 this chapter.†

445 (b) A violation of s. 662.1225, s. 662.123(1)(a), s.  
446 662.125(2), s. 662.126, s. 662.127, s. 662.128, s. 662.130, s.  
447 662.131, s. 662.134, or s. 662.144.†

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

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

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

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

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

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

457 (i) An act of commission or omission that is judicially  
458 determined to be a breach of trust or ~~of~~ fiduciary duty ~~pursuant~~  
459 ~~to a court of competent jurisdiction.~~

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



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

466 (3) If a hearing is not timely requested pursuant to ss.  
 467 120.569 and 120.57 or if a hearing is held and it has been  
 468 determined that the licensed family trust company has committed  
 469 any of the acts specified in subsection (1) ~~there has been a~~  
 470 ~~commission or omission under paragraph (1)(i),~~ the office may  
 471 ~~immediately~~ enter an order revoking the company's license. A ~~The~~  
 472 licensed family trust company has ~~shall have~~ 90 days to wind up  
 473 its affairs after license revocation. If after 90 days the  
 474 company is still in operation, the office may seek an order from  
 475 the circuit court for the annulment or dissolution of the  
 476 company.

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

479 662.143 Cease and desist authority.—

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

487 (a) ~~Indicates that~~ The company is not a family trust  
 488 company or foreign licensed family trust company as defined in  
 489 this chapter. ~~†~~

490 (b) ~~Is~~ A violation of s. 662.1225, s. 662.123(1)(a), s.  
 491 662.125(2), s. 662.126, s. 662.127, s. 662.128, s. 662.130, or  
 492 s. 662.134. ~~†~~

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

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- 494 (d) ~~Is~~ A violation of any order of the office.~~†~~
- 495 (e) ~~Is~~ A breach of any written agreement with the office.~~†~~
- 496 (f) ~~Is~~ A prohibited act or practice pursuant to s.
- 497 662.131.~~†~~
- 498 (g) ~~Is~~ A willful failure to provide information or
- 499 documents to the office upon written request.~~†~~
- 500 (h) ~~Is~~ An act of commission or omission that is judicially
- 501 determined by or a court of competent jurisdiction ~~practice that~~
- 502 ~~the office has reason to be believe is~~ a breach of trust or of
- 503 fiduciary duty.~~†~~ ~~or~~
- 504 (i) ~~Is~~ A violation of chapter 896 or similar state or
- 505 federal law or any related rule or regulation.
- 506 Section 14. Section 662.144, Florida Statutes, is amended
- 507 to read:
- 508 662.144 Failure to submit required report; fines.—If a
- 509 family trust company, licensed family trust company, or foreign
- 510 licensed family trust company fails to submit within the
- 511 prescribed period its annual renewal or any other report
- 512 required by this chapter or any rule, the office may impose a
- 513 fine of up to \$100 for each day that the annual renewal or
- 514 report is overdue. Failure to provide the annual renewal within
- 515 60 days after the end of the calendar year shall automatically
- 516 result in termination of the registration of a family trust
- 517 company or foreign licensed family trust company or revocation
- 518 of the license of a licensed family trust company. A family
- 519 trust company may have its registration or license automatically
- 520 reinstated by submitting to the office, on or before August 31
- 521 of the calendar year in which the renewal application is due,
- 522 the company's annual renewal application and fee required under

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

532 Section 15. Paragraph (a) of subsection (6) of section  
533 662.145, Florida Statutes, is amended to read:

534 662.145 Grounds for removal.—

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

540 (a) If a family trust company-affiliated party is charged  
541 with a felony in a state or federal court, or is charged with an  
542 offense in a court ~~the courts~~ of a foreign country with which  
543 the United States maintains diplomatic relations which involves  
544 a violation of law relating to fraud, currency transaction  
545 reporting, money laundering, theft, or moral turpitude and the  
546 charge is equivalent to a felony charge under state or federal  
547 law, the office may enter an emergency order suspending the  
548 family trust company-affiliated party or restricting or  
549 prohibiting participation by such ~~company-affiliated~~ party in  
550 the affairs of that particular family trust company or licensed  
551 family trust company or any state financial institution,

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552 subsidiary, or service corporation, upon service of the order  
553 upon the company and ~~the~~ family trust company-affiliated party  
554 ~~se~~ charged.

555 Section 16. Paragraph (b) of subsection (1) of section  
556 662.150, Florida Statutes, is amended to read:

557 662.150 Domestication of a foreign family trust company.—

558 (1) A foreign family trust company lawfully organized and  
559 currently in good standing with the state regulatory agency in  
560 the jurisdiction where it is organized may become domesticated  
561 in this state by:

562 (b) Filing an application for a license to begin operations  
563 as a licensed family trust company in accordance with s.  
564 662.121, which must first be approved by the office, or by  
565 filing the prescribed form with the office to register as a  
566 family trust company to begin operations in accordance with s.  
567 662.122.

568 Section 17. Subsection (3) of section 662.151, Florida  
569 Statutes, is amended to read:

570 662.151 Registration of a foreign licensed family trust  
571 company to operate in this state.—A foreign licensed family  
572 trust company lawfully organized and currently in good standing  
573 with the state regulatory agency in the jurisdiction under the  
574 law of which it is organized may qualify to begin operations in  
575 this state by:

576 ~~(3) A company in operation as of the effective date of this~~  
577 ~~act that meets the definition of a family trust company shall~~  
578 ~~have 90 days from the effective date of this act to apply for~~  
579 ~~licensure as a licensed family trust company, register as a~~  
580 ~~family trust company or foreign licensed family trust company,~~

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581 ~~or cease doing business in this state.~~

582       Section 18. This act shall take effect upon becoming law.