

By the Committee on Banking and Insurance; and Senators Hutson and Garcia

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1                                   A bill to be entitled  
2       An act relating to the Florida Security for Public  
3       Deposits Act; amending s. 280.02, F.S.; redefining  
4       terms, which includes the addition of credit unions as  
5       qualified public depositories under the Florida  
6       Security for Public Deposits Act; creating s. 280.042,  
7       F.S.; specifying conditions that must be met before  
8       the Chief Financial Officer may designate a credit  
9       union as a qualified public depository; requiring the  
10      Chief Financial Officer to withdraw from a collateral  
11      agreement with a credit union under certain  
12      circumstances; providing construction and notice and  
13      public deposit return requirements after such  
14      withdrawal; authorizing the Chief Financial Officer to  
15      limit, for a certain purpose, the amount of public  
16      deposits a credit union may hold; amending s. 280.07,  
17      F.S.; specifying the mutual responsibility and  
18      contingent liability of certain credit unions  
19      designated as qualified public depositories;  
20      conforming a provision to changes made by the act;  
21      amending s. 280.08, F.S.; conforming provisions to  
22      changes made by the act; providing that certain  
23      assessments by the Chief Financial Officer upon  
24      qualified public depositories are subject to certain  
25      segregation of contingent liability provisions;  
26      amending s. 280.09, F.S.; requiring the Chief  
27      Financial Officer, in administering the Public  
28      Deposits Trust Fund, to segregate and separately  
29      account for certain proceeds, assessments, or

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30 penalties attributable to a credit union from those  
31 attributable to a bank, savings bank, or savings  
32 association; providing that payment of losses is  
33 subject to such limitations; amending ss. 280.03,  
34 280.05, 280.052, 280.053, 280.055, 280.085, 280.10,  
35 280.13, and 280.17, F.S.; conforming provisions to  
36 changes made by the act; reenacting ss. 17.57(7)(a);  
37 24.114(1); 125.901(3)(e); 136.01; 159.608(11);  
38 175.301; 175.401(8); 185.30; 185.50(8); 190.007(3);  
39 191.006(16); 215.34(2); 218.415(16)(c), (17), and  
40 (23)(a); 255.502(4)(h); 331.309(1) and (2);  
41 373.553(2); 631.221; and 723.06115(3)(c), F.S.,  
42 relating to deposits and investments of state money;  
43 bank deposits and control of lottery transactions;  
44 children's services and independent special districts;  
45 county depositories; powers of housing finance  
46 authorities; depositories for pension funds; retiree  
47 health insurance subsidies; depositories for  
48 retirement funds; retiree health insurance subsidies;  
49 board of supervisors; general powers; state funds and  
50 noncollectible items; local government investment  
51 policies; definitions; treasurers, depositories, and a  
52 fiscal agent; a treasurer of the board, payment of  
53 funds, and depositories; deposit of moneys collected;  
54 and the Florida Mobile Home Relocation Trust Fund,  
55 respectively, to incorporate the amendments made to s.  
56 280.02, F.S., in references thereto; providing an  
57 effective date.

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

60  
61 Section 1. Subsections (6), (10), (21), (23), and (26) of  
62 section 280.02, Florida Statutes, are amended to read:

63 280.02 Definitions.—As used in this chapter, the term:

64 (6) "Capital account" or "tangible equity capital" means  
65 total equity capital, as defined on the balance-sheet portion of  
66 the Consolidated Reports of Condition and Income (call report);  
67 or net worth, as defined in the National Credit Union  
68 Administration 5300 Call Report; ~~7~~ less intangible assets, as  
69 submitted to the regulatory financial ~~banking~~ authority.

70 (10) "Custodian" means the Chief Financial Officer or a  
71 bank, credit union, savings association, or trust company that:

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

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

76 (c) Agrees to be subject to the jurisdiction of the courts  
77 of this state, or of the courts of the United States which are  
78 located within this state, for the purpose of any litigation  
79 arising out of this chapter; and

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

82 (21) "Pool figure" means the total average monthly balances  
83 of public deposits held by all banks, savings banks, or savings  
84 associations, or held separately for all credit unions,  
85 ~~qualified public depositories~~ during the immediately preceding  
86 12-month period.

87 (23) "Public deposit" means the moneys of the state or of

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88 any state university, county, school district, community college  
89 district, special district, metropolitan government, or  
90 municipality, including agencies, boards, bureaus, commissions,  
91 and institutions of any of the foregoing, or of any court, and  
92 includes the moneys of all county officers, including  
93 constitutional officers, which are placed on deposit in a bank,  
94 credit union, savings bank, or savings association. This  
95 includes, but is not limited to, time deposit accounts, demand  
96 deposit accounts, and nonnegotiable certificates of deposit.  
97 Moneys in deposit notes and in other nondeposit accounts such as  
98 repurchase or reverse repurchase operations are not public  
99 deposits. Securities, mutual funds, and similar types of  
100 investments are not public deposits and are not subject to this  
101 chapter.

102 (26) "Qualified public depository" means a bank, credit  
103 union, savings bank, or savings association that:

104 (a) Is organized and exists under the laws of the United  
105 States or the laws of this state or any other state or territory  
106 of the United States.

107 (b) Has its principal place of business in this state or  
108 has a branch office in this state which is authorized under the  
109 laws of this state or of the United States to receive deposits  
110 in this state.

111 (c) Is insured by the Federal Deposit Insurance Corporation  
112 or the National Credit Union Share Insurance Fund ~~Has deposit~~  
113 ~~insurance pursuant to the Federal Deposit Insurance Act, as~~  
114 ~~amended, 12 U.S.C. ss. 1811 et seq.~~

115 (d) Has procedures and practices for accurate  
116 identification, classification, reporting, and collateralization

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117 of public deposits.

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

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

121 Section 2. Section 280.042, Florida Statutes, is created to  
122 read:

123 280.042 Conditions for designating credit unions as  
124 qualified public depositories; withdrawal by the Chief Financial  
125 Officer from a collateral agreement and return of deposits;  
126 limit on public deposits.—

127 (1) The Chief Financial Officer may not designate a credit  
128 union as a qualified public depository as defined under s.  
129 280.02, unless, at the time the credit union submits its  
130 agreement of contingent liability and its collateral agreement:

131 (a) The credit union submits a signed statement from a  
132 public official indicating that if the credit union is  
133 designated as a qualified public depository, the public official  
134 intends to deposit more than \$250,000 of public funds with the  
135 credit union; and

136 (b) At least four other credit unions have each submitted  
137 an agreement of contingent liability, a collateral agreement,  
138 and a signed statement from a public official indicating that if  
139 the credit union is designated as a qualified public depository,  
140 the public official intends to deposit more than \$250,000 of  
141 public funds with the credit union.

142 (2) The Chief Financial Officer must withdraw from a  
143 collateral agreement previously entered into with a credit union  
144 if fewer than five credit unions are designated as qualified  
145 public depositories during any period of 90 calendar days or

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146 longer.

147 (3) A credit union that is a party to a collateral  
148 agreement from which the Chief Financial Officer withdraws in  
149 accordance with subsection (2) may no longer be designated as a  
150 qualified public depository. Within 10 business days after the  
151 Chief Financial Officer notifies the credit union that the Chief  
152 Financial Officer has withdrawn from the collateral agreement,  
153 the credit union must return all public deposits that the credit  
154 union holds to the public official who deposited the funds. The  
155 notice provided for in this subsection may be sent to a credit  
156 union by regular mail or by e-mail.

157 (4) The Chief Financial Officer may limit the amount of  
158 public deposits which any credit union may hold in order to  
159 ensure that no single credit union holds an amount of public  
160 deposits which might adversely affect the integrity of the  
161 public deposits program.

162 Section 3. Section 280.07, Florida Statutes, is amended to  
163 read:

164 280.07 Mutual responsibility and contingent liability.—

165 (1) Any bank, savings bank, or savings association that is  
166 designated as a qualified public depository and that is not  
167 insolvent shall guarantee public depositors against loss caused  
168 by the default or insolvency of other banks, savings banks, or  
169 savings associations designated as qualified public  
170 depositories.

171 (2) Any credit union that is designated as a qualified  
172 public depository and that is not insolvent shall guarantee  
173 public depositors against loss caused by the default or  
174 insolvency of other credit unions designated as qualified public

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175 depositories.

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177 Each qualified public depository shall execute a form prescribed  
178 by the Chief Financial Officer for such guarantee which must  
179 ~~shall~~ be approved by the board of directors and ~~shall~~ become an  
180 official record of the institution.

181 Section 4. Subsections (1) and (3) of section 280.08,  
182 Florida Statutes, are amended to read:

183 280.08 Procedure for payment of losses.—When the Chief  
184 Financial Officer determines that a default or insolvency has  
185 occurred, he or she shall provide notice as required in s.  
186 280.085 and implement the following procedures:

187 (1) The Division of Treasury, in cooperation with the  
188 Office of Financial Regulation of the Financial Services  
189 Commission or the receiver of the qualified public depository in  
190 default, shall ascertain the amount of funds of each public  
191 depositor on deposit at such depository and the amount of  
192 deposit or share insurance applicable to such deposits.

193 (3) (a) The loss to public depositors shall be satisfied,  
194 insofar as possible, first through any applicable deposit or  
195 share insurance and then through demanding payment under letters  
196 of credit or the sale of collateral pledged or deposited by the  
197 defaulting depository. The Chief Financial Officer may assess  
198 qualified public depositories as provided in paragraph (b),  
199 subject to the segregation of contingent liability in s. 280.07,  
200 for the total loss if the demand for payment or sale of  
201 collateral cannot be accomplished within 7 business days.

202 (b) The Chief Financial Officer shall provide coverage of  
203 any remaining loss by assessment against the other qualified

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204 public depositories. The Chief Financial Officer shall determine  
205 such assessment for each qualified public depository by  
206 multiplying the total amount of any remaining loss to all public  
207 depositors by a percentage which represents the average monthly  
208 balance of public deposits held by each qualified public  
209 depository during the previous 12 months divided by the total  
210 average monthly balances of public deposits held by all  
211 qualified public depositories, excluding the defaulting  
212 depository, during the same period. The assessment calculation  
213 must ~~shall~~ be computed to six decimal places.

214 Section 5. Section 280.09, Florida Statutes, is amended to  
215 read:

216 280.09 Public Deposits Trust Fund.—

217 (1) In order to facilitate the administration of this  
218 chapter, there is created the Public Deposits Trust Fund,  
219 hereafter in this section designated as "the fund." The proceeds  
220 from the sale of securities or draw on letters of credit held as  
221 collateral or from any assessment pursuant to s. 280.08 must  
222 ~~shall~~ be deposited into the fund. The Chief Financial Officer  
223 must segregate and separately account for any collateral  
224 proceeds, assessments, or administrative penalties attributable  
225 to a credit union from any collateral proceeds, assessments, or  
226 administrative penalties attributable to any bank, savings bank,  
227 or savings association. Any administrative penalty collected  
228 pursuant to this chapter shall be deposited into the Treasury  
229 Administrative and Investment Trust Fund.

230 (2) The Chief Financial Officer is authorized to pay any  
231 losses to public depositors from the fund, subject to the  
232 limitations provided in subsection (1), and there are hereby



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233 appropriated from the fund such sums as may be necessary from  
234 time to time to pay the losses. The term "losses," for purposes  
235 of this chapter, shall also include losses of interest or other  
236 accumulations to the public depositor as a result of penalties  
237 for early withdrawal required by Depository Institution  
238 Deregulatory Commission Regulations or applicable successor  
239 federal laws or regulations because of suspension or  
240 disqualification of a qualified public depository by the Chief  
241 Financial Officer pursuant to s. 280.05 or because of withdrawal  
242 from the public deposits program pursuant to s. 280.11. In that  
243 event, the Chief Financial Officer is authorized to assess  
244 against the suspended, disqualified, or withdrawing public  
245 depository, in addition to any amount authorized by any other  
246 provision of this chapter, an administrative penalty equal to  
247 the amount of the early withdrawal penalty and to pay that  
248 amount over to the public depositor as reimbursement for such  
249 loss. Any money in the fund estimated not to be needed for  
250 immediate cash requirements shall be invested pursuant to s.  
251 17.61.

252 Section 6. Paragraph (a) of subsection (3) of section  
253 280.03, Florida Statutes, is amended to read:

254 280.03 Public deposits to be secured; prohibitions;  
255 exemptions.—

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

258 (a) Public deposits deposited in a bank, credit union, or  
259 savings association by a trust department or trust company which  
260 are fully secured under trust business laws.

261 Section 7. Subsection (11) of section 280.05, Florida

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262 Statutes, is amended to read:

263       280.05 Powers and duties of the Chief Financial Officer.—In  
264 fulfilling the requirements of this act, the Chief Financial  
265 Officer has the power to take the following actions he or she  
266 deems necessary to protect the integrity of the public deposits  
267 program:

268       (11) Sell securities for the purpose of paying losses to  
269 public depositors not covered by deposit or share insurance.

270       Section 8. Subsection (1) of section 280.052, Florida  
271 Statutes, is amended to read:

272       280.052 Order of suspension or disqualification;  
273 procedure.—

274       (1) The suspension or disqualification of a bank, credit  
275 union, or savings association as a qualified public depository  
276 must be by order of the Chief Financial Officer and must be  
277 mailed to the qualified public depository by registered or  
278 certified mail.

279       Section 9. Paragraph (c) of subsection (1) and paragraph  
280 (c) of subsection (2) of section 280.053, Florida Statutes, are  
281 amended to read:

282       280.053 Period of suspension or disqualification;  
283 obligations during period; reinstatement.—

284       (1)

285       (c) Upon expiration of the suspension period, the bank,  
286 credit union, or savings association may, by order of the Chief  
287 Financial Officer, be reinstated as a qualified public  
288 depository, unless the cause of the suspension has not been  
289 corrected or the bank, credit union, or savings association is  
290 otherwise not in compliance with this chapter or any rule

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291 adopted pursuant to this chapter.

292 (2)

293 (c) Upon expiration of the disqualification period, the  
294 bank, credit union, or savings association may reapply for  
295 qualification as a qualified public depository. If a  
296 disqualified bank, credit union, or savings association is  
297 purchased or otherwise acquired by new owners, it may reapply to  
298 the Chief Financial Officer to be a qualified public depository  
299 prior to the expiration date of the disqualification period.  
300 Redesignation as a qualified public depository may occur only  
301 after the Chief Financial Officer has determined that all  
302 requirements for holding public deposits under the law have been  
303 met.

304 Section 10. Section 280.055, Florida Statutes, is amended  
305 to read:

306 280.055 Cease and desist order; corrective order;  
307 administrative penalty.—

308 (1) The Chief Financial Officer may issue a cease and  
309 desist order and a corrective order upon determining that:

310 (a) A qualified public depository has requested and  
311 obtained a release of pledged collateral without approval of the  
312 Chief Financial Officer;

313 (b) A bank, credit union, savings association, or other  
314 financial institution is holding public deposits without a  
315 certificate of qualification issued by the Chief Financial  
316 Officer;

317 (c) A qualified public depository pledges, deposits, or  
318 arranges for the issuance of unacceptable collateral;

319 (d) A custodian has released pledged collateral without

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320 approval of the Chief Financial Officer;

321 (e) A qualified public depository or a custodian has not  
322 furnished to the Chief Financial Officer, when the Chief  
323 Financial Officer requested, a power of attorney or bond power  
324 or bond assignment form required by the bond agent or bond  
325 trustee for each issue of registered certificated securities  
326 pledged and registered in the name, or nominee name, of the  
327 qualified public depository or custodian; or

328 (f) A qualified public depository; a bank, credit union,  
329 savings association, or other financial institution; or a  
330 custodian has committed any other violation of this chapter or  
331 any rule adopted pursuant to this chapter that the Chief  
332 Financial Officer determines may be remedied by a cease and  
333 desist order or corrective order.

334 (2) Any qualified public depository or other bank, credit  
335 union, savings association, or financial institution or  
336 custodian that violates a cease and desist order or corrective  
337 order of the Chief Financial Officer is subject to an  
338 administrative penalty not exceeding \$1,000 for each violation  
339 of the order. Each day the violation of the order continues  
340 constitutes a separate violation.

341 Section 11. Subsection (4) of section 280.085, Florida  
342 Statutes, is amended to read:

343 280.085 Notice to claimants.—

344 (4) The notice required in subsection (1) is not required  
345 if the default or insolvency of a qualified public depository is  
346 resolved in a manner in which all Florida public deposits are  
347 acquired by another insured bank, credit union, savings bank, or  
348 savings association.

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349 Section 12. Subsections (1) and (3) of section 280.10,  
350 Florida Statutes, are amended to read:

351 280.10 Effect of merger, acquisition, or consolidation;  
352 change of name or address.—

353 (1) When a qualified public depository is merged into,  
354 acquired by, or consolidated with a bank, credit union, savings  
355 bank, or savings association that is not a qualified public  
356 depository:

357 (a) The resulting institution shall automatically become a  
358 qualified public depository subject to the requirements of the  
359 public deposits program.

360 (b) The contingent liability of the former institution  
361 shall be a liability of the resulting institution.

362 (c) The public deposits and associated collateral of the  
363 former institution shall be public deposits and collateral of  
364 the resulting institution.

365 (d) The resulting institution shall, within 90 calendar  
366 days after the effective date of the merger, acquisition, or  
367 consolidation, deliver to the Chief Financial Officer:

368 1. Documentation in its name as required for participation  
369 in the public deposits program; or

370 2. Written notice of intent to withdraw from the program as  
371 provided in s. 280.11 and a proposed effective date of  
372 withdrawal which shall be within 180 days after the effective  
373 date of the acquisition, merger, or consolidation of the former  
374 institution.

375 (e) If the resulting institution does not meet  
376 qualifications to become a qualified public depository or does  
377 not submit required documentation within 90 calendar days after

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378 the effective date of the merger, acquisition, or consolidation,  
379 the Chief Financial Officer shall initiate mandatory withdrawal  
380 actions as provided in s. 280.11 and shall set an effective date  
381 of withdrawal that is within 180 days after the effective date  
382 of the acquisition, merger, or consolidation of the former  
383 institution.

384 (3) If the default or insolvency of a qualified public  
385 depository results in acquisition of all or part of its Florida  
386 public deposits by a bank, credit union, savings bank, or  
387 savings association that is not a qualified public depository,  
388 the bank, credit union, savings bank, or savings association  
389 acquiring the Florida public deposits is subject to subsection  
390 (1).

391 Section 13. Subsection (1) of section 280.13, Florida  
392 Statutes, is amended to read:

393 280.13 Eligible collateral.—

394 (1) Securities eligible to be pledged as collateral by  
395 qualified public depositories are ~~banks and savings associations~~  
396 ~~shall be~~ limited to:

397 (a) Direct obligations of the United States Government.

398 (b) Obligations of any federal agency that are fully  
399 guaranteed as to payment of principal and interest by the United  
400 States Government.

401 (c) Obligations of the following federal agencies:

402 1. Farm credit banks.

403 2. Federal land banks.

404 3. The Federal Home Loan Bank and its district banks.

405 4. Federal intermediate credit banks.

406 5. The Federal Home Loan Mortgage Corporation.

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407 6. The Federal National Mortgage Association.

408 7. Obligations guaranteed by the Government National  
409 Mortgage Association.

410 (d) General obligations of a state of the United States, or  
411 of Puerto Rico, or of a political subdivision or municipality  
412 thereof.

413 (e) Obligations issued by the Florida State Board of  
414 Education under authority of the State Constitution or  
415 applicable statutes.

416 (f) Tax anticipation certificates or warrants of counties  
417 or municipalities having maturities not exceeding 1 year.

418 (g) Public housing authority obligations.

419 (h) Revenue bonds or certificates of a state of the United  
420 States or of a political subdivision or municipality thereof.

421 (i) Corporate bonds of any corporation that is not an  
422 affiliate or subsidiary of the qualified public depository.

423 Section 14. Paragraph (b) of subsection (4) of section  
424 280.17, Florida Statutes, is amended to read:

425 280.17 Requirements for public depositors; notice to public  
426 depositors and governmental units; loss of protection.—In  
427 addition to any other requirement specified in this chapter,  
428 public depositors shall comply with the following:

429 (4) If public deposits are in a qualified public depository  
430 that has been declared to be in default or insolvent, each  
431 public depositor shall:

432 (b) Submit to the Chief Financial Officer for each public  
433 deposit, within 30 days after the date of official notification  
434 from the Chief Financial Officer, the following:

435 1. A claim form and agreement, as prescribed by the Chief

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436 Financial Officer, executed under oath, accompanied by proof of  
437 authority to execute the form on behalf of the public depositor.

438 2. A completed public deposit identification and  
439 acknowledgment form, as described in subsection (2).

440 3. Evidence of the insurance afforded the deposit pursuant  
441 to the Federal Deposit Insurance Act or the Federal Credit Union  
442 Act, as appropriate.

443 Section 15. For the purpose of incorporating the amendment  
444 made by this act to section 280.02, Florida Statutes, in a  
445 reference thereto, paragraph (a) of subsection (7) of section  
446 17.57, Florida Statutes, is reenacted to read:

447 17.57 Deposits and investments of state money.—

448 (7) In addition to the deposits authorized under this  
449 section and notwithstanding any other provisions of law, funds  
450 that are not needed to meet the disbursement needs of the state  
451 may be deposited by the Chief Financial Officer in accordance  
452 with the following conditions:

453 (a) The funds are initially deposited in a qualified public  
454 depository, as defined in s. 280.02, selected by the Chief  
455 Financial Officer.

456 Section 16. For the purpose of incorporating the amendment  
457 made by this act to section 280.02, Florida Statutes, in a  
458 reference thereto, subsection (1) of section 24.114, Florida  
459 Statutes, is reenacted to read:

460 24.114 Bank deposits and control of lottery transactions.—

461 (1) All moneys received by each retailer from the operation  
462 of the state lottery, including, but not limited to, all ticket  
463 sales, interest, gifts, and donations, less the amount retained  
464 as compensation for the sale of the tickets and the amount paid



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465 out as prizes, shall be remitted to the department or deposited  
466 in a qualified public depository, as defined in s. 280.02, as  
467 directed by the department. The department shall have the  
468 responsibility for all administrative functions related to the  
469 receipt of funds. The department may also require each retailer  
470 to file with the department reports of the retailer's receipts  
471 and transactions in the sale of lottery tickets in such form and  
472 containing such information as the department may require. The  
473 department may require any person, including a qualified public  
474 depository, to perform any function, activity, or service in  
475 connection with the operation of the lottery as it may deem  
476 advisable pursuant to this act and rules of the department, and  
477 such functions, activities, or services shall constitute lawful  
478 functions, activities, and services of such person.

479 Section 17. For the purpose of incorporating the amendment  
480 made by this act to section 280.02, Florida Statutes, in a  
481 reference thereto, paragraph (e) of subsection (3) of section  
482 125.901, Florida Statutes, is reenacted to read:

483 125.901 Children's services; independent special district;  
484 council; powers, duties, and functions; public records  
485 exemption.—

486 (3)

487 (e)1. All moneys received by the council on children's  
488 services shall be deposited in qualified public depositories, as  
489 defined in s. 280.02, with separate and distinguishable accounts  
490 established specifically for the council and shall be withdrawn  
491 only by checks signed by the chair of the council and  
492 countersigned by either one other member of the council on  
493 children's services or by a chief executive officer who shall be

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494 so authorized by the council.

495       2. Upon entering the duties of office, the chair and the  
496 other member of the council or chief executive officer who signs  
497 its checks shall each give a surety bond in the sum of at least  
498 \$1,000 for each \$1 million or portion thereof of the council's  
499 annual budget, which bond shall be conditioned that each shall  
500 faithfully discharge the duties of his or her office. The  
501 premium on such bond may be paid by the district as part of the  
502 expense of the council. No other member of the council shall be  
503 required to give bond or other security.

504       3. No funds of the district shall be expended except by  
505 check as aforesaid, except expenditures from a petty cash  
506 account which shall not at any time exceed \$100. All  
507 expenditures from petty cash shall be recorded on the books and  
508 records of the council on children's services. No funds of the  
509 council on children's services, excepting expenditures from  
510 petty cash, shall be expended without prior approval of the  
511 council, in addition to the budgeting thereof.

512       Section 18. For the purpose of incorporating the amendment  
513 made by this act to section 280.02, Florida Statutes, in a  
514 reference thereto, section 136.01, Florida Statutes, is  
515 reenacted to read:

516       136.01 County depositories.—Each county depository shall be  
517 a qualified public depository as defined in s. 280.02 for the  
518 following funds: county funds; funds of all county officers,  
519 including constitutional officers; funds of the school board;  
520 and funds of the community college district board of trustees.  
521 This enumeration of funds is made not by way of limitation, but  
522 of illustration; and it is the intent hereof that all funds of

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523 the county, the board of county commissioners or the several  
524 county officers, the school board, or the community college  
525 district board of trustees be included.

526 Section 19. For the purpose of incorporating the amendment  
527 made by this act to section 280.02, Florida Statutes, in a  
528 reference thereto, subsection (11) of section 159.608, Florida  
529 Statutes, is reenacted to read:

530 159.608 Powers of housing finance authorities.—A housing  
531 finance authority shall constitute a public body corporate and  
532 politic, exercising the public and essential governmental  
533 functions set forth in this act, and shall exercise its power to  
534 borrow only for the purpose as provided herein:

535 (11) To invest and reinvest surplus funds of the housing  
536 finance authority in accordance with s. 218.415. However, in  
537 addition to the investments expressly authorized in s.  
538 218.415(16)(a)-(g) and (17)(a)-(d), a housing finance authority  
539 may invest surplus funds in interest-bearing time deposits or  
540 savings accounts that are fully insured by the Federal Deposit  
541 Insurance Corporation regardless of whether the bank or  
542 financial institution in which the deposit or investment is made  
543 is a qualified public depository as defined in s. 280.02. This  
544 subsection is supplementary to and may not be construed as  
545 limiting any powers of a housing finance authority or providing  
546 or implying a limiting construction of any other statutory  
547 provision.

548 Section 20. For the purpose of incorporating the amendment  
549 made by this act to section 280.02, Florida Statutes, in a  
550 reference thereto, section 175.301, Florida Statutes, is  
551 reenacted to read:

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552           175.301 Depository for pension funds.—For any municipality,  
553 special fire control district, chapter plan, local law  
554 municipality, local law special fire control district, or local  
555 law plan under this chapter, all funds of the firefighters'  
556 pension trust fund of any chapter plan or local law plan under  
557 this chapter may be deposited by the board of trustees with the  
558 treasurer of the municipality or special fire control district,  
559 acting in a ministerial capacity only, who shall be liable in  
560 the same manner and to the same extent as he or she is liable  
561 for the safekeeping of funds for the municipality or special  
562 fire control district. However, any funds so deposited with the  
563 treasurer of the municipality or special fire control district  
564 shall be kept in a separate fund by the treasurer or clearly  
565 identified as such funds of the firefighters' pension trust  
566 fund. In lieu thereof, the board of trustees shall deposit the  
567 funds of the firefighters' pension trust fund in a qualified  
568 public depository as defined in s. 280.02, which depository with  
569 regard to such funds shall conform to and be bound by all of the  
570 provisions of chapter 280.

571           Section 21. For the purpose of incorporating the amendment  
572 made by this act to section 280.02, Florida Statutes, in  
573 references thereto, subsection (8) of section 175.401, Florida  
574 Statutes, is reenacted to read:

575           175.401 Retiree health insurance subsidy.—For any  
576 municipality, special fire control district, chapter plan, local  
577 law municipality, local law special fire control district, or  
578 local law plan under this chapter, under the broad grant of home  
579 rule powers under the Florida Constitution and chapter 166,  
580 municipalities have the authority to establish and administer

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581 locally funded health insurance subsidy programs. In addition,  
582 special fire control districts may, by resolution, establish and  
583 administer locally funded health insurance subsidy programs.

584 Pursuant thereto:

585 (8) DEPOSIT OF HEALTH INSURANCE SUBSIDY FUNDS.—All funds of  
586 the health insurance subsidy fund may be deposited by the board  
587 of trustees with the treasurer of the municipality or special  
588 fire control district, acting in a ministerial capacity only,  
589 who shall be liable in the same manner and to the same extent as  
590 he or she is liable for the safekeeping of funds for the  
591 municipality or special fire control district. Any funds so  
592 deposited shall be segregated by the treasurer in a separate  
593 fund, clearly identified as funds of the health insurance  
594 subsidy fund. In lieu thereof, the board of trustees shall  
595 deposit the funds of the health insurance subsidy fund in a  
596 qualified public depository as defined in s. 280.02, which shall  
597 conform to and be bound by the provisions of chapter 280 with  
598 regard to such funds. In no case shall the funds of the health  
599 insurance subsidy fund be deposited in any financial  
600 institution, brokerage house trust company, or other entity that  
601 is not a public depository as provided by s. 280.02.

602 Section 22. For the purpose of incorporating the amendment  
603 made by this act to section 280.02, Florida Statutes, in a  
604 reference thereto, section 185.30, Florida Statutes, is  
605 reenacted to read:

606 185.30 Depository for retirement fund.—For any  
607 municipality, chapter plan, local law municipality, or local law  
608 plan under this chapter, all funds of the municipal police  
609 officers' retirement trust fund of any municipality, chapter

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610 plan, local law municipality, or local law plan under this  
611 chapter may be deposited by the board of trustees with the  
612 treasurer of the municipality acting in a ministerial capacity  
613 only, who shall be liable in the same manner and to the same  
614 extent as he or she is liable for the safekeeping of funds for  
615 the municipality. However, any funds so deposited with the  
616 treasurer of the municipality shall be kept in a separate fund  
617 by the municipal treasurer or clearly identified as such funds  
618 of the municipal police officers' retirement trust fund. In lieu  
619 thereof, the board of trustees shall deposit the funds of the  
620 municipal police officers' retirement trust fund in a qualified  
621 public depository as defined in s. 280.02, which depository with  
622 regard to such funds shall conform to and be bound by all of the  
623 provisions of chapter 280.

624 Section 23. For the purpose of incorporating the amendment  
625 made by this act to section 280.02, Florida Statutes, in  
626 references thereto, subsection (8) of section 185.50, Florida  
627 Statutes, is reenacted to read:

628 185.50 Retiree health insurance subsidy.—For any  
629 municipality, chapter plan, local law municipality, or local law  
630 plan under this chapter, under the broad grant of home rule  
631 powers under the Florida Constitution and chapter 166,  
632 municipalities have the authority to establish and administer  
633 locally funded health insurance subsidy programs. Pursuant  
634 thereto:

635 (8) DEPOSIT OF PENSION FUNDS.—All funds of the health  
636 insurance subsidy fund may be deposited by the board of trustees  
637 with the treasurer of the municipality, acting in a ministerial  
638 capacity only, who shall be liable in the same manner and to the

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639 same extent as he or she is liable for the safekeeping of funds  
640 for the municipality. Any funds so deposited shall be segregated  
641 by said treasurer in a separate fund, clearly identified as  
642 funds of the health insurance subsidy fund. In lieu thereof, the  
643 board of trustees shall deposit the funds of the health  
644 insurance subsidy fund in a qualified public depository as  
645 defined in s. 280.02, which shall conform to and be bound by the  
646 provisions of chapter 280 with regard to such funds. In no case  
647 shall the funds of the health insurance subsidy fund be  
648 deposited in any financial institution, brokerage house trust  
649 company, or other entity that is not a public depository as  
650 provided by s. 280.02.

651 Section 24. For the purpose of incorporating the amendment  
652 made by this act to section 280.02, Florida Statutes, in a  
653 reference thereto, subsection (3) of section 190.007, Florida  
654 Statutes, is reenacted to read:

655 190.007 Board of supervisors; general duties.—

656 (3) The board is authorized to select as a depository for  
657 its funds any qualified public depository as defined in s.  
658 280.02 which meets all the requirements of chapter 280 and has  
659 been designated by the Chief Financial Officer as a qualified  
660 public depository, upon such terms and conditions as to the  
661 payment of interest by such depository upon the funds so  
662 deposited as the board may deem just and reasonable.

663 Section 25. For the purpose of incorporating the amendment  
664 made by this act to section 280.02, Florida Statutes, in a  
665 reference thereto, subsection (16) of section 191.006, Florida  
666 Statutes, is reenacted to read:

667 191.006 General powers.—The district shall have, and the

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668 board may exercise by majority vote, the following powers:

669 (16) To select as a depository for its funds any qualified  
670 public depository as defined in s. 280.02 which meets all the  
671 requirements of chapter 280 and has been designated by the Chief  
672 Financial Officer as a qualified public depository, upon such  
673 terms and conditions as to the payment of interest upon the  
674 funds deposited as the board deems just and reasonable.

675 Section 26. For the purpose of incorporating the amendment  
676 made by this act to section 280.02, Florida Statutes, in a  
677 reference thereto, subsection (2) of section 215.34, Florida  
678 Statutes, is reenacted to read:

679 215.34 State funds; noncollectible items; procedure.—

680 (2) Whenever a check, draft, or other order for the payment  
681 of money is returned by the Chief Financial Officer, or by a  
682 qualified public depository as defined in s. 280.02, to a state  
683 officer, a state agency, or the judicial branch for collection,  
684 the officer, agency, or judicial branch shall add to the amount  
685 due a service fee of \$15 or 5 percent of the face amount of the  
686 check, draft, or order, whichever is greater. An agency or the  
687 judicial branch may adopt a rule which prescribes a lesser  
688 maximum service fee, which shall be added to the amount due for  
689 the dishonored check, draft, or other order tendered for a  
690 particular service, license, tax, fee, or other charge, but in  
691 no event shall the fee be less than \$15. The service fee shall  
692 be in addition to all other penalties imposed by law, except  
693 that when other charges or penalties are imposed by an agency  
694 related to a noncollectible item, the amount of the service fee  
695 shall not exceed \$150. Proceeds from this fee shall be deposited  
696 in the same fund as the collected item. Nothing in this section



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697 shall be construed as authorization to deposit moneys outside  
698 the State Treasury unless specifically authorized by law.

699 Section 27. For the purpose of incorporating the amendment  
700 made by this act to section 280.02, Florida Statutes, in  
701 references thereto, paragraph (c) of subsection (16), subsection  
702 (17), and paragraph (a) of subsection (23) of section 218.415,  
703 Florida Statutes, are reenacted to read:

704 218.415 Local government investment policies.—Investment  
705 activity by a unit of local government must be consistent with a  
706 written investment plan adopted by the governing body, or in the  
707 absence of the existence of a governing body, the respective  
708 principal officer of the unit of local government and maintained  
709 by the unit of local government or, in the alternative, such  
710 activity must be conducted in accordance with subsection (17).  
711 Any such unit of local government shall have an investment  
712 policy for any public funds in excess of the amounts needed to  
713 meet current expenses as provided in subsections (1)-(16), or  
714 shall meet the alternative investment guidelines contained in  
715 subsection (17). Such policies shall be structured to place the  
716 highest priority on the safety of principal and liquidity of  
717 funds. The optimization of investment returns shall be secondary  
718 to the requirements for safety and liquidity. Each unit of local  
719 government shall adopt policies that are commensurate with the  
720 nature and size of the public funds within its custody.

721 (16) AUTHORIZED INVESTMENTS; WRITTEN INVESTMENT POLICIES.—  
722 Those units of local government electing to adopt a written  
723 investment policy as provided in subsections (1)-(15) may by  
724 resolution invest and reinvest any surplus public funds in their  
725 control or possession in:

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726 (c) Interest-bearing time deposits or savings accounts in  
727 qualified public depositories as defined in s. 280.02.

728 (17) AUTHORIZED INVESTMENTS; NO WRITTEN INVESTMENT POLICY.—  
729 Those units of local government electing not to adopt a written  
730 investment policy in accordance with investment policies  
731 developed as provided in subsections (1)-(15) may invest or  
732 reinvest any surplus public funds in their control or possession  
733 in:

734 (a) The Local Government Surplus Funds Trust Fund, or any  
735 intergovernmental investment pool authorized pursuant to the  
736 Florida Interlocal Cooperation Act of 1969, as provided in s.  
737 163.01.

738 (b) Securities and Exchange Commission registered money  
739 market funds with the highest credit quality rating from a  
740 nationally recognized rating agency.

741 (c) Interest-bearing time deposits or savings accounts in  
742 qualified public depositories, as defined in s. 280.02.

743 (d) Direct obligations of the U.S. Treasury.

744  
745 The securities listed in paragraphs (c) and (d) shall be  
746 invested to provide sufficient liquidity to pay obligations as  
747 they come due.

748 (23) AUTHORIZED DEPOSITS.—In addition to the investments  
749 authorized for local governments in subsections (16) and (17)  
750 and notwithstanding any other provisions of law, a unit of local  
751 government may deposit any portion of surplus public funds in  
752 its control or possession in accordance with the following  
753 conditions:

754 (a) The funds are initially deposited in a qualified public

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755 depository, as defined in s. 280.02, selected by the unit of  
756 local government.

757 Section 28. For the purpose of incorporating the amendment  
758 made by this act to section 280.02, Florida Statutes, in a  
759 reference thereto, paragraph (h) of subsection (4) of section  
760 255.502, Florida Statutes, is reenacted to read:

761 255.502 Definitions; ss. 255.501-255.525.—As used in this  
762 act, the following words and terms shall have the following  
763 meanings unless the context otherwise requires:

764 (4) "Authorized investments" means and includes without  
765 limitation any investment in:

766 (h) Savings accounts in, or certificates of deposit of,  
767 qualified public depositories as defined in s. 280.02, in an  
768 amount that does not exceed 15 percent of the net worth of the  
769 institution, or a lesser amount as determined by rule by the  
770 State Board of Administration, provided such savings accounts  
771 and certificates of deposit are secured in the manner prescribed  
772 in chapter 280.

773

774 Investments in any security authorized in this subsection may be  
775 under repurchase agreements or reverse repurchase agreements.

776 Section 29. For the purpose of incorporating the amendment  
777 made by this act to section 280.02, Florida Statutes, in a  
778 reference thereto, subsections (1) and (2) of section 331.309,  
779 Florida Statutes, are reenacted to read:

780 331.309 Treasurer; depositories; fiscal agent.—

781 (1) The board shall designate an individual who is a  
782 resident of the state, or a qualified public depository as  
783 defined in s. 280.02, as treasurer of Space Florida, who shall

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784 have charge of the funds of Space Florida. Such funds shall be  
785 disbursed only upon the order of or pursuant to the resolution  
786 of the board by warrant, check, authorization, or direct deposit  
787 pursuant to s. 215.85, signed or authorized by the treasurer or  
788 his or her representative or by such other persons as may be  
789 authorized by the board. The board may give the treasurer such  
790 other or additional powers and duties as the board may deem  
791 appropriate and shall establish the treasurer's compensation.  
792 The board may require the treasurer to give a bond in such  
793 amount, on such terms, and with such sureties as may be deemed  
794 satisfactory to the board to secure the performance by the  
795 treasurer of his or her powers and duties. The board shall audit  
796 or have audited the books of the treasurer at least once a year.

797 (2) The board is authorized to select as depositories in  
798 which the funds of the board and of Space Florida shall be  
799 deposited any qualified public depository as defined in s.  
800 280.02, upon such terms and conditions as to the payment of  
801 interest by such depository upon the funds so deposited as the  
802 board may deem just and reasonable. The funds of Space Florida  
803 may be kept in or removed from the State Treasury upon written  
804 notification from the chair of the board to the Chief Financial  
805 Officer.

806 Section 30. For the purpose of incorporating the amendment  
807 made by this act to section 280.02, Florida Statutes, in a  
808 reference thereto, subsection (2) of section 373.553, Florida  
809 Statutes, is reenacted to read:

810 373.553 Treasurer of the board; payment of funds;  
811 depositories.—

812 (2) The board is authorized to select as depositories in

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813 which the funds of the board and of the district shall be  
814 deposited in any qualified public depository as defined in s.  
815 280.02, and such deposits shall be secured in the manner  
816 provided in chapter 280.

817 Section 31. For the purpose of incorporating the amendment  
818 made by this act to section 280.02, Florida Statutes, in a  
819 reference thereto, section 631.221, Florida Statutes, is  
820 reenacted to read:

821 631.221 Deposit of moneys collected.—The moneys collected  
822 by the department in a proceeding under this chapter shall be  
823 deposited in a qualified public depository as defined in s.  
824 280.02, which depository with regards to such funds shall  
825 conform to and be bound by all the provisions of chapter 280, or  
826 invested with the Chief Financial Officer pursuant to chapter  
827 18. For the purpose of accounting for the assets and  
828 transactions of the estate, the receiver shall use such  
829 accounting books, records, and systems as the court directs  
830 after it hears and considers the recommendations of the  
831 receiver.

832 Section 32. For the purpose of incorporating the amendment  
833 made by this act to section 280.02, Florida Statutes, in a  
834 reference thereto, paragraph (c) of subsection (3) of section  
835 723.06115, Florida Statutes, is reenacted to read:

836 723.06115 Florida Mobile Home Relocation Trust Fund.—

837 (3) The department shall distribute moneys in the Florida  
838 Mobile Home Relocation Trust Fund to the Florida Mobile Home  
839 Relocation Corporation in accordance with the following:

840 (c) Funds transferred from the trust fund to the  
841 corporation shall be transferred electronically and shall be

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842 transferred to and maintained in a qualified public depository  
843 as defined in s. 280.02 which is specified by the corporation.

844 Section 33. This act shall take effect July 1, 2018.