

By Senator Hutson

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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; creating s. 280.042, F.S.; specifying
5 conditions that must be met before the Chief Financial
6 Officer may designate a credit union as a qualified
7 public depository; requiring the Chief Financial
8 Officer to withdraw, via a certain notice, from a
9 collateral agreement with a credit union under certain
10 circumstances; providing that such credit union may no
11 longer be designated as a qualified public depository;
12 providing requirements for such credit union;
13 authorizing the Chief Financial Officer to limit, for
14 a certain purpose, the amount of public deposits a
15 credit union may hold; amending s. 280.07, F.S.;
16 specifying the mutual responsibility and contingent
17 liability of certain credit unions designated as
18 qualified public depositories; conforming a provision
19 to changes made by the act; amending s. 280.08, F.S.;
20 providing that certain assessments by the Chief
21 Financial Officer are subject to certain segregation
22 of contingent liability provisions; conforming
23 provisions to changes made by the act; amending s.
24 280.09, F.S.; requiring the Chief Financial Officer,
25 in administering the Public Deposits Trust Fund, to
26 segregate and separately account for certain proceeds,
27 assessments, or penalties attributable to a credit
28 union from those attributable to a bank, savings bank,
29 or savings association; providing that certain

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

56
57 Be It Enacted by the Legislature of the State of Florida:
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59 Section 1. Subsections (6), (10), (21), (23), and (26) of
60 section 280.02, Florida Statutes, are amended to read:

61 280.02 Definitions.—As used in this chapter, the term:

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

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

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

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

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

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

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

85 (23) "Public deposit" means the moneys of the state or of
86 any state university, county, school district, community college
87 district, special district, metropolitan government, or

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

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

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

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

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

113 (d) Has procedures and practices for accurate
114 identification, classification, reporting, and collateralization
115 of public deposits.

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

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

119 Section 2. Section 280.042, Florida Statutes, is created to
120 read:

121 280.042 Conditions for designating credit unions as
122 qualified public depositories; withdrawal by the Chief Financial
123 Officer from a collateral agreement and return of deposits;
124 limit on public deposits.-

125 (1) The Chief Financial Officer may not designate a credit
126 union as a qualified public depository unless, at the time the
127 credit union submits its agreement of contingent liability and
128 its collateral agreement:

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

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

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

145 (3) A credit union that is a party to a collateral

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

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

160 Section 3. Section 280.07, Florida Statutes, is amended to
161 read:

162 280.07 Mutual responsibility and contingent liability.—

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

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

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

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

181 280.08 Procedure for payment of losses.—When the Chief
182 Financial Officer determines that a default or insolvency has
183 occurred, he or she shall provide notice as required in s.
184 280.085 and implement the following procedures:

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

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

200 (b) The Chief Financial Officer shall provide coverage of
201 any remaining loss by assessment against the other qualified
202 public depositories. The Chief Financial Officer shall determine
203 such assessment for each qualified public depository by

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

212 Section 5. Section 280.09, Florida Statutes, is amended to
213 read:

214 280.09 Public Deposits Trust Fund.—

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

228 (2) The Chief Financial Officer is authorized to pay any
229 losses to public depositors from the fund, subject to the
230 limitations provided in subsection (1), and there are hereby
231 appropriated from the fund such sums as may be necessary from
232 time to time to pay the losses. The term "losses," for purposes

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

250 Section 6. Paragraph (a) of subsection (3) of section
251 280.03, Florida Statutes, is amended to read:

252 280.03 Public deposits to be secured; prohibitions;
253 exemptions.—

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

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

259 Section 7. Subsection (11) of section 280.05, Florida
260 Statutes, is amended to read:

261 280.05 Powers and duties of the Chief Financial Officer.—In

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262 fulfilling the requirements of this act, the Chief Financial
263 Officer has the power to take the following actions he or she
264 deems necessary to protect the integrity of the public deposits
265 program:

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

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

270 280.052 Order of suspension or disqualification;
271 procedure.—

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

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

280 280.053 Period of suspension or disqualification;
281 obligations during period; reinstatement.—

282 (1)

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

290 (2)

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

302 Section 10. Section 280.055, Florida Statutes, is amended
303 to read:

304 280.055 Cease and desist order; corrective order;
305 administrative penalty.—

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

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

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

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

317 (d) A custodian has released pledged collateral without
318 approval of the Chief Financial Officer;

319 (e) A qualified public depository or a custodian has not

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320 furnished to the Chief Financial Officer, when the Chief
321 Financial Officer requested, a power of attorney or bond power
322 or bond assignment form required by the bond agent or bond
323 trustee for each issue of registered certificated securities
324 pledged and registered in the name, or nominee name, of the
325 qualified public depository or custodian; or

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

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

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

341 280.085 Notice to claimants.—

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

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

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349 280.10 Effect of merger, acquisition, or consolidation;
350 change of name or address.—

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

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

358 (b) The contingent liability of the former institution
359 shall be a liability of the resulting institution.

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

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

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

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

373 (e) If the resulting institution does not meet
374 qualifications to become a qualified public depository or does
375 not submit required documentation within 90 calendar days after
376 the effective date of the merger, acquisition, or consolidation,
377 the Chief Financial Officer shall initiate mandatory withdrawal

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

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

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

391 280.13 Eligible collateral.—

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

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

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

399 (c) Obligations of the following federal agencies:

400 1. Farm credit banks.

401 2. Federal land banks.

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

403 4. Federal intermediate credit banks.

404 5. The Federal Home Loan Mortgage Corporation.

405 6. The Federal National Mortgage Association.

406 7. Obligations guaranteed by the Government National

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407 Mortgage Association.

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

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

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

416 (g) Public housing authority obligations.

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

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

421 Section 14. Paragraph (b) of subsection (4) of section
422 280.17, Florida Statutes, is amended to read:

423 280.17 Requirements for public depositors; notice to public
424 depositors and governmental units; loss of protection.—In
425 addition to any other requirement specified in this chapter,
426 public depositors shall comply with the following:

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

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

433 1. A claim form and agreement, as prescribed by the Chief
434 Financial Officer, executed under oath, accompanied by proof of
435 authority to execute the form on behalf of the public depositor.

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

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

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

445 17.57 Deposits and investments of state money.—

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

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

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

458 24.114 Bank deposits and control of lottery transactions.—

459 (1) All moneys received by each retailer from the operation
460 of the state lottery, including, but not limited to, all ticket
461 sales, interest, gifts, and donations, less the amount retained
462 as compensation for the sale of the tickets and the amount paid
463 out as prizes, shall be remitted to the department or deposited
464 in a qualified public depository, as defined in s. 280.02, as

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

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

481 125.901 Children's services; independent special district;
482 council; powers, duties, and functions; public records
483 exemption.—

484 (3)

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

493 2. Upon entering the duties of office, the chair and the

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

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

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

514 136.01 County depositories.—Each county depository shall be
515 a qualified public depository as defined in s. 280.02 for the
516 following funds: county funds; funds of all county officers,
517 including constitutional officers; funds of the school board;
518 and funds of the community college district board of trustees.
519 This enumeration of funds is made not by way of limitation, but
520 of illustration; and it is the intent hereof that all funds of
521 the county, the board of county commissioners or the several
522 county officers, the school board, or the community college

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523 district board of trustees be included.

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

528 159.608 Powers of housing finance authorities.—A housing
529 finance authority shall constitute a public body corporate and
530 politic, exercising the public and essential governmental
531 functions set forth in this act, and shall exercise its power to
532 borrow only for the purpose as provided herein:

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

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

550 175.301 Depository for pension funds.—For any municipality,
551 special fire control district, chapter plan, local law

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

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

573 175.401 Retiree health insurance subsidy.—For any
574 municipality, special fire control district, chapter plan, local
575 law municipality, local law special fire control district, or
576 local law plan under this chapter, under the broad grant of home
577 rule powers under the Florida Constitution and chapter 166,
578 municipalities have the authority to establish and administer
579 locally funded health insurance subsidy programs. In addition,
580 special fire control districts may, by resolution, establish and

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581 administer locally funded health insurance subsidy programs.
582 Pursuant thereto:

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

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

604 185.30 Depository for retirement fund.—For any
605 municipality, chapter plan, local law municipality, or local law
606 plan under this chapter, all funds of the municipal police
607 officers' retirement trust fund of any municipality, chapter
608 plan, local law municipality, or local law plan under this
609 chapter may be deposited by the board of trustees with the

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

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

626 185.50 Retiree health insurance subsidy.—For any
627 municipality, chapter plan, local law municipality, or local law
628 plan under this chapter, under the broad grant of home rule
629 powers under the Florida Constitution and chapter 166,
630 municipalities have the authority to establish and administer
631 locally funded health insurance subsidy programs. Pursuant
632 thereto:

633 (8) DEPOSIT OF PENSION FUNDS.—All funds of the health
634 insurance subsidy fund may be deposited by the board of trustees
635 with the treasurer of the municipality, acting in a ministerial
636 capacity only, who shall be liable in the same manner and to the
637 same extent as he or she is liable for the safekeeping of funds
638 for the municipality. Any funds so deposited shall be segregated

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

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

653 190.007 Board of supervisors; general duties.—

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

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

665 191.006 General powers.—The district shall have, and the
666 board may exercise by majority vote, the following powers:

667 (16) To select as a depository for its funds any qualified

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

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

677 215.34 State funds; noncollectible items; procedure.-

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

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

702 218.415 Local government investment policies.—Investment
703 activity by a unit of local government must be consistent with a
704 written investment plan adopted by the governing body, or in the
705 absence of the existence of a governing body, the respective
706 principal officer of the unit of local government and maintained
707 by the unit of local government or, in the alternative, such
708 activity must be conducted in accordance with subsection (17).
709 Any such unit of local government shall have an investment
710 policy for any public funds in excess of the amounts needed to
711 meet current expenses as provided in subsections (1)-(16), or
712 shall meet the alternative investment guidelines contained in
713 subsection (17). Such policies shall be structured to place the
714 highest priority on the safety of principal and liquidity of
715 funds. The optimization of investment returns shall be secondary
716 to the requirements for safety and liquidity. Each unit of local
717 government shall adopt policies that are commensurate with the
718 nature and size of the public funds within its custody.

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

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

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

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

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

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

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

742
743 The securities listed in paragraphs (c) and (d) shall be
744 invested to provide sufficient liquidity to pay obligations as
745 they come due.

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

752 (a) The funds are initially deposited in a qualified public
753 depository, as defined in s. 280.02, selected by the unit of
754 local government.

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

759 255.502 Definitions; ss. 255.501-255.525.—As used in this
760 act, the following words and terms shall have the following
761 meanings unless the context otherwise requires:

762 (4) "Authorized investments" means and includes without
763 limitation any investment in:

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

771
772 Investments in any security authorized in this subsection may be
773 under repurchase agreements or reverse repurchase agreements.

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

778 331.309 Treasurer; depositories; fiscal agent.—

779 (1) The board shall designate an individual who is a
780 resident of the state, or a qualified public depository as
781 defined in s. 280.02, as treasurer of Space Florida, who shall
782 have charge of the funds of Space Florida. Such funds shall be
783 disbursed only upon the order of or pursuant to the resolution

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

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

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

808 373.553 Treasurer of the board; payment of funds;
809 depositories.—

810 (2) The board is authorized to select as depositories in
811 which the funds of the board and of the district shall be
812 deposited in any qualified public depository as defined in s.

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813 280.02, and such deposits shall be secured in the manner
814 provided in chapter 280.

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

819 631.221 Deposit of moneys collected.—The moneys collected
820 by the department in a proceeding under this chapter shall be
821 deposited in a qualified public depository as defined in s.
822 280.02, which depository with regards to such funds shall
823 conform to and be bound by all the provisions of chapter 280, or
824 invested with the Chief Financial Officer pursuant to chapter
825 18. For the purpose of accounting for the assets and
826 transactions of the estate, the receiver shall use such
827 accounting books, records, and systems as the court directs
828 after it hears and considers the recommendations of the
829 receiver.

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

834 723.06115 Florida Mobile Home Relocation Trust Fund.—

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

838 (c) Funds transferred from the trust fund to the
839 corporation shall be transferred electronically and shall be
840 transferred to and maintained in a qualified public depository
841 as defined in s. 280.02 which is specified by the corporation.

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Section 33. This act shall take effect July 1, 2020.