

By the Committees on Judiciary; and Banking and Insurance; and  
Senator Gruters

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1                   A bill to be entitled  
2       An act relating to financial institutions; amending s.  
3       120.80, F.S.; providing that the failure of foreign  
4       nationals to appear through video conference at  
5       certain hearings is grounds for denial of certain  
6       applications; amending s. 475.01, F.S.; conforming a  
7       cross-reference; creating s. 501.2076, F.S.; providing  
8       that the imposition of fees or charges upon consumers  
9       for online audit verifications of financial  
10      institution accounts is a violation of the Florida  
11      Deceptive and Unfair Trade Practices Act; amending s.  
12      518.117, F.S.; conforming a cross-reference; amending  
13      s. 655.045, F.S.; revising the interval for the Office  
14      of Financial Regulation to conduct certain  
15      examinations; authorizing the Office of Financial  
16      Regulation to delay examinations of financial  
17      institutions under certain circumstances; specifying  
18      that examination requirements are deemed met under  
19      certain circumstances; requiring copies of certain  
20      examination reports to be furnished to financial  
21      institutions; requiring certain directors to review  
22      and acknowledge receipt of such reports; amending s.  
23      655.414, F.S.; revising the entities that may assume  
24      liabilities, and the liabilities that may be assumed,  
25      according to certain procedures, conditions, and  
26      limitations; specifying the basis for calculating  
27      percentages of assets or liabilities; amending s.  
28      655.50, F.S.; revising the definition of the term  
29      "financial institution"; amending s. 657.021, F.S.;

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30 requiring credit unions to submit specified  
31 information to the office after certain meetings;  
32 repealing s. 657.028(6), F.S., relating to credit  
33 union board member, committee member, and officer  
34 election and appointment record reporting  
35 requirements; amending s. 658.12, F.S.; defining the  
36 term "target market"; amending s. 658.20, F.S.;

37 requiring the office, upon receiving applications for  
38 authority to organize a bank or trust company, to  
39 investigate the need for new bank facilities in a  
40 primary service area or target market and the ability  
41 of such service area or target market to support new  
42 and existing bank facilities; amending s. 658.21,  
43 F.S.; revising financial institution application  
44 approval requirements to include consideration of  
45 target market conditions; deleting a requirement that  
46 certain proposed financial institution presidents or  
47 chief executive officers have certain experience  
48 within a specified timeframe; amending s. 658.28,  
49 F.S.; requiring a person or group to notify the office  
50 within a specified timeframe upon acquiring a  
51 controlling interest in a bank or trust company in  
52 this state; amending s. 658.2953, F.S.; defining the  
53 term "de novo branch"; amending s. 662.1225, F.S.;

54 revising the type of institution with which certain  
55 family trust companies are required to maintain a  
56 deposit account; amending s. 662.128, F.S.; revising  
57 the timeframe for filing renewal applications for  
58 certain family trust companies; amending s. 663.07,

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59 F.S.; revising the banks with which international bank  
60 agencies or branches shall maintain certain deposits;  
61 amending s. 663.532, F.S.; revising references to  
62 lists of jurisdictions used for qualifying qualified  
63 limited service affiliates; requiring limited service  
64 affiliates to suspend certain permissible activities  
65 under certain circumstances; specifying that such  
66 suspensions remain in effect until certain conditions  
67 are met; amending s. 736.0802, F.S.; conforming a  
68 cross-reference; providing an effective date.

69  
70 Be It Enacted by the Legislature of the State of Florida:

71  
72 Section 1. Paragraph (a) of subsection (3) of section  
73 120.80, Florida Statutes, is amended to read:

74 120.80 Exceptions and special requirements; agencies.—

75 (3) OFFICE OF FINANCIAL REGULATION.—

76 (a) Notwithstanding s. 120.60(1), in proceedings for the  
77 issuance, denial, renewal, or amendment of a license or approval  
78 of a merger pursuant to title XXXVIII:

79 1.a. The Office of Financial Regulation of the Financial  
80 Services Commission shall have published in the Florida  
81 Administrative Register notice of the application within 21 days  
82 after receipt.

83 b. Within 21 days after publication of notice, any person  
84 may request a hearing. Failure to request a hearing within 21  
85 days after notice constitutes a waiver of any right to a  
86 hearing. The Office of Financial Regulation or an applicant may  
87 request a hearing at any time prior to the issuance of a final

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88 order. Hearings shall be conducted pursuant to ss. 120.569 and  
89 120.57, except that the Financial Services Commission shall by  
90 rule provide for participation by the general public.

91 2. Should a hearing be requested as provided by sub-  
92 subparagraph 1.b., the applicant or licensee shall publish at  
93 its own cost a notice of the hearing in a newspaper of general  
94 circulation in the area affected by the application. The  
95 Financial Services Commission may by rule specify the format and  
96 size of the notice.

97 3. Notwithstanding s. 120.60(1), and except as provided in  
98 subparagraph 4., an application for license for a new bank, new  
99 trust company, new credit union, new savings and loan  
100 association, or new licensed family trust company must be  
101 approved or denied within 180 days after receipt of the original  
102 application or receipt of the timely requested additional  
103 information or correction of errors or omissions. An application  
104 for such a license or for acquisition of such control which is  
105 not approved or denied within the 180-day period or within 30  
106 days after conclusion of a public hearing on the application,  
107 whichever is later, shall be deemed approved subject to the  
108 satisfactory completion of conditions required by statute as a  
109 prerequisite to license and approval of insurance of accounts  
110 for a new bank, a new savings and loan association, a new credit  
111 union, or a new licensed family trust company by the appropriate  
112 insurer.

113 4. In the case of an application for license to establish a  
114 new bank, trust company, or capital stock savings association in  
115 which a foreign national proposes to own or control 10 percent  
116 or more of any class of voting securities, and in the case of an

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117 application by a foreign national for approval to acquire  
118 control of a bank, trust company, or capital stock savings  
119 association, the Office of Financial Regulation shall request  
120 that a public hearing be conducted pursuant to ss. 120.569 and  
121 120.57. Notice of such hearing shall be published by the  
122 applicant as provided in subparagraph 2. The failure of such  
123 foreign national to appear personally at or participate through  
124 video conference in the hearing shall be grounds for denial of  
125 the application. Notwithstanding s. 120.60(1) and subparagraph  
126 3., every application involving a foreign national shall be  
127 approved or denied within 1 year after receipt of the original  
128 application or any timely requested additional information or  
129 the correction of any errors or omissions, or within 30 days  
130 after the conclusion of the public hearing on the application,  
131 whichever is later.

132 Section 2. Subsection (4) of section 475.01, Florida  
133 Statutes, is amended to read:

134 475.01 Definitions.—

135 (4) A broker acting as a trustee of a trust created under  
136 chapter 689 is subject to the provisions of this chapter unless  
137 the trustee is a bank, state or federal association, or trust  
138 company possessing trust powers as defined in s. 658.12(24) ~~s.~~  
139 ~~658.12(23)~~.

140 Section 3. Section 501.2076, Florida Statutes, is created  
141 to read:

142 501.2076 Violations involving consumer financial  
143 institution account fees.—The imposition of a fee or other  
144 charge by a third party agent or entity directly or indirectly  
145 upon a consumer for an online audit verification of an account

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146 maintained by a financial institution as defined in s. 655.005  
147 or of the associated balance of such account is a violation of  
148 this part.

149 Section 4. Section 518.117, Florida Statutes, is amended to  
150 read:

151 518.117 Permissible investments of fiduciary funds.—A  
152 fiduciary that is authorized by lawful authority to engage in  
153 trust business as defined in s. 658.12(21) ~~s. 658.12(20)~~ may  
154 invest fiduciary funds in accordance with s. 660.417 so long as  
155 the investment otherwise complies with this chapter.

156 Section 5. Paragraph (a) of subsection (1) and subsection  
157 (4) of section 655.045, Florida Statutes, are amended, and  
158 paragraph (f) is added to subsection (1) of that section, to  
159 read:

160 655.045 Examinations, reports, and internal audits;  
161 penalty.—

162 (1) The office shall conduct an examination of the  
163 condition of each state financial institution at least every 18  
164 months. The office may conduct more frequent examinations based  
165 upon the risk profile of the financial institution, prior  
166 examination results, or significant changes in the institution  
167 or its operations. The office may use continuous, phase, or  
168 other flexible scheduling examination methods for very large or  
169 complex state financial institutions and financial institutions  
170 owned or controlled by a multi-financial institution holding  
171 company. The office shall consider examination guidelines from  
172 federal regulatory agencies in order to facilitate, coordinate,  
173 and standardize examination processes.

174 (a) The office may accept an examination of a state

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175 financial institution made by an appropriate federal regulatory  
176 agency or may conduct a joint or concurrent examination of the  
177 institution with the federal agency. If the office accepts an  
178 examination report in accordance with this paragraph, ~~However,~~  
179 ~~at least once during each 36-month period beginning July 1,~~  
180 ~~2014,~~ the office shall conduct the subsequent ~~an~~ examination of  
181 each state financial institution in a manner that allows the  
182 preparation of a complete examination report not subject to the  
183 right of a federal or other non-Florida entity to limit access  
184 to the information contained therein. The office may furnish a  
185 copy of all examinations or reviews made of financial  
186 institutions or their affiliates to the state or federal  
187 agencies participating in the examination, investigation, or  
188 review, or as otherwise authorized under s. 655.057.

189 (f) In coordinating an examination required under this  
190 section, if a federal agency suspends or cancels a previously  
191 scheduled examination of a financial institution, the office has  
192 an additional 90 days to meet the examination requirement of  
193 this section. In such case, the requirement is deemed met by the  
194 federal agency conducting the examination or upon the office  
195 conducting the examination instead.

196 (4) A copy of the report of each examination must be  
197 furnished to the financial institution ~~entity~~ examined and  
198 presented to the board of directors at its next regular or  
199 special meeting. Each director shall review the report and  
200 acknowledge receipt of the report and such review by signing and  
201 dating the prescribed signature page of the report and returning  
202 a copy of the signed page to the office.

203 Section 6. Section 655.414, Florida Statutes, is amended to

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204 read:

205       655.414 Acquisition of assets; assumption of liabilities.-  
206 With prior approval of the office and upon such conditions as  
207 the commission prescribes by rule, a financial institution  
208 ~~entity~~ may acquire 50 percent or more ~~all or substantially all~~  
209 of the assets or liabilities of, or a combination of assets and  
210 liabilities of, or assume all or any part of the liabilities of,  
211 any other financial institution in accordance with the  
212 procedures and subject to the following conditions and  
213 limitations:

214       (1) CALCULATION OF ASSET OR LIABILITY PERCENTAGES.-  
215 Percentages of assets or liabilities must be calculated based on  
216 the most recent quarterly reporting date.

217       (2) ADOPTION OF A PLAN.-The board of directors of the  
218 acquiring or assuming financial entity and the board of  
219 directors of the transferring financial institution must adopt,  
220 by a majority vote, a plan for such acquisition, assumption, or  
221 sale on terms that are mutually agreed upon. The plan must  
222 include:

223           (a) The names and types of financial institutions involved.

224           (b) A statement setting forth the material terms of the  
225 proposed acquisition, assumption, or sale, including the plan  
226 for disposition of all assets and liabilities not subject to the  
227 plan.

228           (c) A provision for liquidation, if applicable, of the  
229 transferring financial institution upon execution of the plan,  
230 or a provision setting forth the business plan for the continued  
231 operation of each financial institution after the execution of  
232 the plan.



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233 (d) A statement that the entire transaction is subject to  
234 written approval of the office and approval of the members or  
235 stockholders of the transferring financial institution.

236 (e) If a stock financial institution is the transferring  
237 financial institution and the proposed sale is not for cash, a  
238 clear and concise statement that dissenting stockholders of the  
239 institution are entitled to the rights set forth in s. 658.44(4)  
240 and (5).

241 (f) The proposed effective date of the acquisition,  
242 assumption, or sale and such other information and provisions as  
243 necessary to execute the transaction or as required by the  
244 office.

245 (3)~~(2)~~ APPROVAL OF OFFICE.—Following approval by the board  
246 of directors of each participating financial institution, the  
247 plan, together with certified copies of the authorizing  
248 resolutions adopted by the boards and a completed application  
249 with a nonrefundable filing fee, must be forwarded to the office  
250 for approval or disapproval. The office shall approve the plan  
251 of acquisition, assumption, or sale if it appears that:

252 (a) The resulting financial entity or entities would have  
253 an adequate capital structure in relation to their activities  
254 and their deposit liabilities;

255 (b) The plan is fair to all parties; and

256 (c) The plan is not contrary to the public interest.

257

258 If the office disapproves the plan, it shall state its  
259 objections and give the parties an opportunity to amend the plan  
260 to overcome such objections.

261 (4)~~(3)~~ VOTE OF MEMBERS OR STOCKHOLDERS.—If the office

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262 approves the plan, it may be submitted to the members or  
263 stockholders of the transferring financial institution at an  
264 annual meeting or at a special meeting called to consider such  
265 action. Upon a majority vote of the total number of votes  
266 eligible to be cast or, in the case of a credit union, a  
267 majority vote of the members present at the meeting, the plan is  
268 adopted.

269 (5)~~(4)~~ ADOPTED PLAN; CERTIFICATE; ABANDONMENT.—

270 (a) If the plan is adopted by the members or stockholders  
271 of the transferring financial institution, the president or vice  
272 president and the cashier, manager, or corporate secretary of  
273 such institution shall submit the adopted plan to the office,  
274 together with a certified copy of the resolution of the members  
275 or stockholders approving it.

276 (b) Upon receipt of the certified copies and evidence that  
277 the participating financial institutions have complied with all  
278 applicable state and federal law and rules, the office shall  
279 certify, in writing, to the participants that the plan has been  
280 approved.

281 (c) Notwithstanding approval of the members or stockholders  
282 or certification by the office, the board of directors of the  
283 transferring financial institution may abandon such a  
284 transaction without further action or approval by the members or  
285 stockholders, subject to the rights of third parties under any  
286 contracts relating thereto.

287 (6)~~(5)~~ FEDERALLY CHARTERED OR OUT-OF-STATE INSTITUTION AS A  
288 PARTICIPANT.—If one of the participants in a transaction under  
289 this section is a federally chartered financial institution or  
290 an out-of-state financial institution, all participants must

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291 also comply with requirements imposed by federal and other state  
292 law for the acquisition, assumption, or sale and provide  
293 evidence of such compliance to the office as a condition  
294 precedent to the issuance of a certificate authorizing the  
295 transaction; however, if the purchasing or assuming financial  
296 institution is a federal or out-of-state state-chartered  
297 financial institution and the transferring state financial  
298 entity will be liquidated, approval of the office is not  
299 required.

300 (7)~~(6)~~ STOCK INSTITUTION ACQUIRING MUTUAL INSTITUTION.—A  
301 mutual financial institution may not sell 50 percent or more ~~all~~  
302 ~~or substantially all~~ of its assets to a stock financial  
303 institution until it has first converted into a capital stock  
304 financial institution in accordance with s. 665.033(1) and (2).  
305 For this purpose, references in s. 665.033(1) and (2) to  
306 associations also refer to credit unions but, in the case of a  
307 credit union, the provision concerning proxy statements does not  
308 apply.

309 Section 7. Paragraph (c) of subsection (3) of section  
310 655.50, Florida Statutes, is amended to read:

311 655.50 Florida Control of Money Laundering and Terrorist  
312 Financing in Financial Institutions Act.—

313 (3) As used in this section, the term:

314 (c) "Financial institution" has the same meaning as in s.  
315 655.005(1)(i), excluding an international representative office,  
316 an international administrative office, or a qualified limited  
317 service affiliate ~~means a financial institution, as defined in~~  
318 ~~31 U.S.C. s. 5312, as amended, including a credit card bank,~~  
319 ~~located in this state.~~

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320 Section 8. Present subsections (2) through (8) of section  
321 657.021, Florida Statutes, are redesignated as subsections (3)  
322 through (9), respectively, and a new subsection (2) is added to  
323 that section, to read:

324 657.021 Board of directors; executive committee  
325 responsibilities; oaths; reports to the office.—

326 (2) Within the 30 days following the annual meeting or any  
327 other meeting at which any director, officer, member of the  
328 supervisory or audit committee, member of the credit committee,  
329 or credit manager is elected or appointed, the credit union  
330 shall submit to the office the names and residence addresses of  
331 the elected person or persons on a form adopted by the  
332 commission and provided by the office.

333 Section 9. Subsection (6) of section 657.028 is repealed.

334 Section 10. Present subsections (20) through (24) of  
335 section 658.12, Florida Statutes, are redesignated as  
336 subsections (21) through (25), respectively, and a new  
337 subsection (20) is added to that section, to read:

338 658.12 Definitions.—Subject to other definitions contained  
339 in the financial institutions codes and unless the context  
340 otherwise requires:

341 (20) "Target market" means the group of clients or  
342 potential clients from whom a bank or proposed bank expects to  
343 draw deposits and to whom a bank focuses or intends to focus its  
344 marketing efforts. The term also means the group of clients or  
345 potential clients from whom a trust company, a trust department  
346 of a bank or association, a proposed trust company, or a  
347 proposed trust department of a bank or an association expects to  
348 draw its fiduciary accounts and to whom it focuses or intends to

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349 focus its marketing efforts.

350 Section 11. Paragraphs (b) and (c) of subsection (1) of  
351 section 658.20, Florida Statutes, are amended to read:

352 658.20 Investigation by office.—

353 (1) Upon the filing of an application, the office shall  
354 make an investigation of:

355 (b) The need for bank or trust facilities or additional  
356 bank or trust facilities, as the case may be, in the primary  
357 service area where the proposed bank or trust company is to be  
358 located or in the target market that the bank or trust company  
359 intends to engage in business.

360 (c) The ability of the primary service area or target  
361 market to support the proposed bank or trust company and all  
362 other existing bank or trust facilities that serve the same  
363 primary service area or target market ~~in the primary service~~  
364 ~~area.~~

365 Section 12. Subsections (1) and (4) of section 658.21,  
366 Florida Statutes, are amended to read:

367 658.21 Approval of application; findings required.—The  
368 office shall approve the application if it finds that:

369 (1) Local and target market conditions indicate reasonable  
370 promise of successful operation for the proposed state bank or  
371 trust company. In determining whether an applicant meets the  
372 requirements of this subsection, the office shall consider all  
373 materially relevant factors, including:

374 (a) The purpose, objectives, and business philosophy of the  
375 proposed state bank or trust company.

376 (b) The projected financial performance of the proposed  
377 bank or trust company.

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378 (c) The feasibility of the proposed bank or trust company,  
379 as stated in the business plan, particularly with respect to  
380 asset and liability growth and management.

381 (4) The proposed officers have sufficient financial  
382 institution experience, ability, standing, and reputation and  
383 the proposed directors have sufficient business experience,  
384 ability, standing, and reputation to indicate reasonable promise  
385 of successful operation, and none of the proposed officers or  
386 directors has been convicted of, or pled guilty or nolo  
387 contendere to, any violation of s. 655.50, relating to the  
388 control of money laundering and terrorist financing; chapter  
389 896, relating to offenses related to financial institutions; or  
390 similar state or federal law. At least two of the proposed  
391 directors who are not also proposed officers must have had at  
392 least 1 year of direct experience as an executive officer,  
393 regulator, or director of a financial institution within the 5  
394 years before the date of the application. However, if the  
395 applicant demonstrates that at least one of the proposed  
396 directors has very substantial experience as an executive  
397 officer, director, or regulator of a financial institution more  
398 than 5 years before the date of the application, the office may  
399 modify the requirement and allow the applicant to have only one  
400 director who has direct financial institution experience within  
401 the last 5 years. The proposed president or chief executive  
402 officer must have had at least 1 year of direct experience as an  
403 executive officer, director, or regulator of a financial  
404 institution ~~within the last 5 years.~~

405 Section 13. Present subsections (2), (3), and (4) of  
406 section 658.28, Florida Statutes, are redesignated as

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407 subsections (3), (4), and (5), respectively, and a new  
408 subsection (2) is added to that section, to read:

409 658.28 Acquisition of control of a bank or trust company.-

410 (2) A person or a group of persons which acquires a  
411 controlling interest as contemplated by this section, either  
412 directly or indirectly, in a state bank or state trust company  
413 through probate or trust shall notify the office within 90 days  
414 after acquiring such interest. Such an interest does not give  
415 rise to a presumption of control until the person or group of  
416 persons votes the shares or the office has issued a certificate  
417 of approval in response to an application pursuant to subsection  
418 (1).

419 Section 14. Present paragraphs (b) and (c) of subsection  
420 (11) of section 658.2953, Florida Statutes, are redesignated as  
421 paragraphs (c) and (d), respectively, and a new paragraph (b) is  
422 added to that subsection, to read:

423 658.2953 Interstate branching.-

424 (11) DE NOVO INTERSTATE BRANCHING BY STATE BANKS.-

425 (b) "De novo branch" means a branch of a bank which is  
426 originally established by the bank as a branch and does not  
427 become a branch of such bank as a result of:

428 1. The acquisition by the bank of a depository institution  
429 or a branch of a depository institution; or

430 2. The conversion, merger, or consolidation of any such  
431 institution or branch.

432 Section 15. Paragraph (d) of subsection (1) of section  
433 662.1225, Florida Statutes, is amended to read:

434 662.1225 Requirements for a family trust company, licensed  
435 family trust company, or foreign licensed family trust company.-

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436 (1) A family trust company or a licensed family trust  
437 company shall maintain:

438 (d) A deposit account at a bank insured by the Federal  
439 Deposit Insurance Corporation or a credit union insured by the  
440 National Credit Union Administration and located in the United  
441 States ~~with a state chartered or national financial institution~~  
442 ~~that has a principal or branch office in this state.~~

443 Section 16. Subsection (1) of section 662.128, Florida  
444 Statutes, is amended to read:

445 662.128 Annual renewal.—

446 (1) ~~Within 45 days after the end of each calendar year,~~ A  
447 family trust company, licensed family trust company, or foreign  
448 licensed family trust company shall file an ~~its~~ annual renewal  
449 application with the office on an annual basis no later than 45  
450 days after the anniversary of the filing of either the initial  
451 application or the prior year's renewal application.

452 Section 17. Subsection (1) of section 663.07, Florida  
453 Statutes, is amended to read:

454 663.07 Asset maintenance or capital equivalency.—

455 (1) Each international bank agency and international branch  
456 shall:

457 (a) Maintain with one or more banks insured by the Federal  
458 Deposit Insurance Corporation and located within the United  
459 States ~~in this state~~, in such amounts as the office specifies,  
460 evidence of dollar deposits or investment securities of the type  
461 that may be held by a state bank for its own account pursuant to  
462 s. 658.67. The aggregate amount of dollar deposits and  
463 investment securities for an international bank agency or  
464 international branch shall, at a minimum, equal the greater of:



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- 465           1. Four million dollars; or  
466           2. Seven percent of the total liabilities of the  
467 international bank agency or international branch excluding  
468 accrued expenses and amounts due and other liabilities to  
469 affiliated branches, offices, agencies, or entities; or  
470           (b) Maintain other appropriate reserves, taking into  
471 consideration the nature of the business being conducted by the  
472 international bank agency or international branch.

473

474 The commission shall prescribe, by rule, the deposit,  
475 safekeeping, pledge, withdrawal, recordkeeping, and other  
476 arrangements for funds and securities maintained under this  
477 subsection. The deposits and securities used to satisfy the  
478 capital equivalency requirements of this subsection shall be  
479 held, to the extent feasible, in one or more state or national  
480 banks located in this state or in a federal reserve bank.

481           Section 18. Present subsections (4), (5), and (6) of  
482 section 663.532, Florida Statutes, are redesignated as  
483 subsections (5), (6), and (7), respectively, a new subsection  
484 (4) is added to that section, and paragraphs (i) and (j) of  
485 subsection (1) of that section are amended, to read:

486           663.532 Qualification.—

487           (1) To qualify as a qualified limited service affiliate  
488 under this part, a proposed qualified limited service affiliate  
489 must file a written notice with the office, in the manner and on  
490 a form prescribed by the commission. Such written notice must  
491 include:

492           (i) A declaration under penalty of perjury signed by the  
493 executive officer, manager, or managing member of the proposed

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494 qualified limited service affiliate that, to the best of his or  
495 her knowledge:

496 1. No employee, representative, or agent provides, or will  
497 provide, banking services; promotes or sells, or will promote or  
498 sell, investments; or accepts, or will accept, custody of  
499 assets.

500 2. No employee, representative, or agent acts, or will act,  
501 as a fiduciary in this state, which includes, but is not limited  
502 to, accepting the fiduciary appointment, executing the fiduciary  
503 documents that create the fiduciary relationship, or making  
504 discretionary decisions regarding the investment or distribution  
505 of fiduciary accounts.

506 3. The jurisdiction of the international trust entity or  
507 its offices, subsidiaries, or any affiliates that are directly  
508 involved in or facilitate the financial services functions,  
509 banking, or fiduciary activities of the international trust  
510 entity is not listed on the Financial Action Task Force list of  
511 High-Risk Jurisdictions subject to a Call for Action or list of  
512 Jurisdictions Under Increased Monitoring ~~Public Statement or on~~  
513 ~~its list of jurisdictions with deficiencies in anti-money~~  
514 ~~laundering or counterterrorism.~~

515 (j) For each international trust entity that the proposed  
516 qualified limited service affiliate will provide services for in  
517 this state, the following:

518 1. The name of the international trust entity;

519 2. A list of the current officers and directors of the  
520 international trust entity;

521 3. Any country where the international trust entity is  
522 organized or authorized to do business;

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523 4. The name of the home-country regulator;

524 5. Proof that the international trust entity has been  
525 authorized by charter, license, or similar authorization by its  
526 home-country regulator to engage in trust business;

527 6. Proof that the international trust entity lawfully  
528 exists and is in good standing under the laws of the  
529 jurisdiction where it is chartered, licensed, or organized;

530 7. A statement that the international trust entity is not  
531 in bankruptcy, conservatorship, receivership, liquidation, or in  
532 a similar status under the laws of any country;

533 8. Proof that the international trust entity is not  
534 operating under the direct control of the government or the  
535 regulatory or supervisory authority of the jurisdiction of its  
536 incorporation, through government intervention or any other  
537 extraordinary actions, and confirmation that it has not been in  
538 such a status or under such control at any time within the prior  
539 3 years;

540 9. Proof and confirmation that the proposed qualified  
541 limited service affiliate is affiliated with the international  
542 trust entities provided in the notice; and

543 10. Proof that the jurisdictions where the international  
544 trust entity or its offices, subsidiaries, or any affiliates  
545 that are directly involved in or that facilitate the financial  
546 services functions, banking, or fiduciary activities of the  
547 international trust entity are not listed on the Financial  
548 Action Task Force list of High-Risk Jurisdictions subject to a  
549 Call for Action or list of Jurisdictions Under Increased  
550 Monitoring ~~Public Statement or on its list of jurisdictions with~~  
551 ~~deficiencies in anti-money laundering or counterterrorism.~~

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553 The proposed qualified limited service affiliate may provide  
554 additional information in the form of exhibits when attempting  
555 to satisfy any of the qualification requirements. All  
556 information that the proposed qualified limited service  
557 affiliate desires to present to support the written notice must  
558 be submitted with the notice.

559 (4) The permissible activities provided in s. 663.531  
560 relating to a specific jurisdiction must be suspended by the  
561 qualified limited service affiliate if either the qualified  
562 limited service affiliate or the office becomes aware that the  
563 jurisdiction of an international trust entity served by the  
564 qualified limited service affiliate is included on the Financial  
565 Action Task Force list of High-Risk Jurisdictions subject to a  
566 Call for Action or list of Jurisdictions Under Increased  
567 Monitoring. Suspensions pursuant to this subsection must remain  
568 in effect until the jurisdiction is removed from the Financial  
569 Action Task Force list of High Risk Jurisdictions subject to a  
570 Call for Action or list of Jurisdictions Under Increased  
571 Monitoring.

572 Section 19. Paragraph (a) of subsection (5) of section  
573 736.0802, Florida Statutes, is amended to read:

574 736.0802 Duty of loyalty.—

575 (5) (a) An investment by a trustee authorized by lawful  
576 authority to engage in trust business, as defined in s.  
577 658.12(21) ~~s. 658.12(20)~~, in investment instruments, as defined  
578 in s. 660.25(6), that are owned or controlled by the trustee or  
579 its affiliate, or from which the trustee or its affiliate  
580 receives compensation for providing services in a capacity other

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581 than as trustee, is not presumed to be affected by a conflict  
582 between personal and fiduciary interests provided the investment  
583 otherwise complies with chapters 518 and 660 and the trustee  
584 complies with the requirements of this subsection.

585 Section 20. This act shall take effect July 1, 2021.